

EXHIBIT E

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

SHANDI CRAPPELL and
RIC SZABO,
PLAINTIFFS,

VS.

NO: 21-CV-00468

MUNCY INDUSTRIES, LLC,
d/b/a MUNCY MACHINE &
TOOL CO., INC.,
DEFENDANT

ZOOM

DEPOSITION OF: RICHARD SZABO

TAKEN BY: DEFENDANTS

BEFORE: HEATHER GOSS BORING
NOTARY PUBLIC

DATE: JUNE 30, 2022
10:00 A.M.

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I N D E XTESTIMONY OFEXAMINATION

RICHARD SZABO

By Mr. Stapp:
By Ms. Kramer:4, 89
85E X H I B I T SDEPOSITION EXHIBITSPRODUCED AND
MARKED

<u>Exhibit 1</u>	- 1-Page Employment Warning Report Bates MUNCY-000131	30
<u>Exhibit 2</u>	- 1-Page Undated Offer Letter Bates MUNCY-000079	35
<u>Exhibit 3</u>	- 2-Page Company Vehicle Agreement Bates MUNCY-000076	40
<u>Exhibit 4</u>	- 2 Pages of U-Haul Receipts Bates MUNCY-121 & 122	42
<u>Exhibit 5</u>	- 1-Page Expense Statement Bates MUNCY-001117	45
<u>Exhibit 6</u>	- 2 Pages of Receipts Bates MUNCY-118 & 120	47

REQUEST MADE ON RECORD

STAPP - PAGES 74, 77, 78

RICHARD SZABO

4

STIPULATION

It is hereby stipulated by and between counsel for the respective parties that reading, signing, sealing, certification, and filing are waived, and that all objections except as to the form of the question are reserved to the time of trial.

RICHARD SZABO, called as a witness, being sworn, testified as follows:

EXAMINATION

BY MR. STAPP:

Q Okay. Mr. Szabo, you know my name is Greg Stapp and we've taken your deposition before in another case, so I just want to ask you, do you recall the rules that we went over with regard to your deposition from that previous deposition?

A Yes, I do.

Q And the primary thing is just to make sure you answers are verbal and not a shrug, especially since we are doing this via Zoom, it is going to be important that we know what your answer is to the question, so.

—RICHARD SZABO—

5

13:06:31 1 So let me start by asking you, did you talk
13:06:35 2 to anyone, other than your attorney, please don't
13:06:39 3 talk to me about what you discussed with Ms. Kramer
13:06:42 4 or any counsel you have, but did you speak to anyone
13:06:45 5 who is not your attorney prior to today's deposition
13:06:48 6 about this deposition?

13:06:49 7 A No, sir.

13:06:50 8 Q Okay. Did you review any documents of any
13:06:55 9 kind prior to today's deposition?

13:06:57 10 A Yes, I have.

13:06:59 11 Q What documents did you review?

13:07:01 12 A The documents that your team sent over to
13:07:09 13 Miss Mary about my travel. It was a travel history,
13:07:14 14 I think it was a couple pages --

13:07:15 15 Q Okay.

13:07:16 16 A -- of when I was involved with Muncy.

13:07:19 17 Q Okay. Anything else you reviewed besides
13:07:24 18 the discovery information we gave to you?

13:07:26 19 A The interrogatories and such, but nothing
13:07:30 20 else.

13:07:30 21 Q Okay. Mr. Szabo, have you ever been
13:07:36 22 convicted for a crimen falsi crime, and let me
13:07:40 23 explain to you what that means, when we say
13:07:42 24 crimen falsi it means a crime involving some kind of
13:07:49 25 dishonesty like a theft, a theft by deception. Ever

~~RICHARD SZABO~~

6

13:07:51 1 been charged with any kind of crimen falsi crime that
13:07:54 2 you are aware of?

13:07:55 3 A No, sir.

13:07:56 4 Q So I want to talk to you about some of the
13:08:04 5 documents that you reviewed today, so I'll try to do
13:08:08 6 this by sharing screen. But let me first begin by
13:08:12 7 asking you a question with regard to your employment
13:08:16 8 at Muncy. You were a salaried employee; is that
13:08:20 9 correct?

13:08:20 10 A Yes.

13:08:22 11 Q And how were you paid? Did you get paid
13:08:28 12 weekly, biweekly?

13:08:29 13 A It was weekly.

13:08:32 14 Q And what was your understanding of the days
13:08:37 15 and the hours that you were going to be working as a
13:08:40 16 salaried employee?

13:08:41 17 A The understanding was that I would work
13:08:51 18 whatever was needed of me, but I would only get paid
13:08:55 19 for a salary of 40 hours a week, regardless of how
13:09:03 20 much I worked pretty much.

13:09:03 21 (Court reporter clarification.)

13:09:05 22 BY MR. STAPP:

13:09:05 23 Q You said regardless of how much you worked,
13:09:08 24 is that what you said?

13:09:10 25 A That was, yes, I'm sorry, yes.

~~RICHARD SZABO~~

7

13:09:13 1 Q So help me understand what you mean you
13:09:19 2 were going -- who told you you would be paid 40 hours
13:09:22 3 a week?

13:09:22 4 A I was told such -- I was told by
13:09:38 5 Jason Fetter when I was hired I would be paid a
13:09:42 6 salary. I would be paid a salary of X amount of
13:09:46 7 dollars and that that salary would total a 40-hour
13:09:50 8 work week. Also it is in the employee handbook that
13:09:58 9 salaried employees are paid at a 40-hour work week.
13:10:04 10 So.

13:10:08 11 Q Okay. And you believe that language of
13:10:11 12 40-hour work week is in the handbook; is that
13:10:16 13 correct?

13:10:16 14 A I believe to the best of my knowledge, I
13:10:21 15 don't have the handbook anymore, but I could see if I
13:10:27 16 could locate it, but just -- I don't -- yeah.

13:10:31 17 Q So getting back to my earlier question,
13:10:33 18 which may have been compound, what was your
13:10:36 19 understanding when you were hired in 2018 of what
13:10:40 20 days of the week you would work and what hours?

13:10:43 21 A My understanding would be a Monday through
13:10:49 22 Friday type of situation with an occasional Saturday
13:10:57 23 if something happened. That was the understanding.

13:11:01 24 Q And what hours of the days Monday through
13:11:04 25 Friday was your understanding you would be working?

~~RICHARD SZABO~~

8

13:11:06 1 A Oh, when I first started, it was from eight
13:11:11 2 to five if I was in the office. But if I traveled
13:11:18 3 that could vary, you know, I would try to stick by
13:11:26 4 eight to five to travel but sometimes that changes.

13:11:29 5 Q And Megan, I'm going to try to pronounce it
13:11:34 6 correctly and then I'll give the spelling to the
13:11:39 7 court reporter, Delahoussaye said that you were
13:11:41 8 allowed, you and other employees were allowed to
13:11:44 9 travel Monday through Friday if you wanted to. Do
13:11:47 10 you agree or disagree with that statement?

13:11:49 11 A I'm not sure I understand the question.
13:11:58 12 Well, of course we would travel during the week.
13:12:00 13 That was our work hours. I'm not sure what the
13:12:03 14 "allowed" comment means. To me that's a key word.

13:12:07 15 Q Well, you were allowed to travel Monday
13:12:10 16 through Friday if you wanted to, correct?

13:12:12 17 A I disagree. Not correct.

13:12:18 18 Q Why do you believe you weren't --

13:12:21 19 A Because there's -- because if Jason wanted
13:12:24 20 me to travel on a Saturday or a Sunday, I couldn't, I
13:12:27 21 couldn't argue with that. I had to. So I disagree
13:12:31 22 with the "allowed" comment.

13:12:33 23 Q Okay. And why do you believe Jason wanted
13:12:35 24 you to travel on a Saturday or a Sunday?

13:12:38 25 A Because number one, he's [Zoom inaudible]

—RICHARD SZABO—

9

13:12:48 1 that he didn't have to pay me. And number two, the
13:12:55 2 logic behind it would mean me being at a customer's
13:12:58 3 location on a Monday or a Friday, rather than using
13:13:03 4 the Monday, like to Friday, to travel and not be at
13:13:09 5 the customers. So I understand the logic behind it,
13:13:11 6 but it's not fair that I have to use my weekends and
13:13:15 7 not being paid for any travel time and my whole
13:13:17 8 weekend is gone.

13:13:18 9 Q Okay. Well, Megan Delahoussaye testified
13:13:22 10 that you if you wanted to travel from Monday to
13:13:25 11 Friday from eight to five p.m. you could have done
13:13:28 12 that. Do you agree with that statement?

13:13:29 13 A I disagree with that 100 percent.

13:13:33 14 Q Okay. Why do you believe you couldn't
13:13:35 15 travel Monday through Friday eight to five?

13:13:37 16 A Because there was there were several
13:13:40 17 instances, I can't give you dates and times, that I
13:13:45 18 requested this with Jason and I was told absolutely
13:13:49 19 not, to quote Jason, absolutely not.

13:13:53 20 Q "Absolutely not" what?

13:13:54 21 A Absolutely not.

13:13:59 22 Q That you couldn't --

13:14:00 23 A The answer was can I leave on a Monday
13:14:02 24 instead of a Sunday so the question would be can I
13:14:06 25 leave on a Monday instead of Sunday, his answer would

—RICHARD SZABO—

10

13:14:10 1 be absolutely not. You need to go Sunday.

13:14:12 2 Q Okay, well, sir, it's your litigation,
13:14:14 3 right, so I don't have the burden of proof here, you
13:14:16 4 do. So my question to you is are you saying this is
13:14:19 5 a verbal conversation you had?

13:14:23 6 A well, of course it would be a verbal
13:14:25 7 conversation.

13:14:25 8 Q Okay. Do you have any kind of e-mails,
13:14:29 9 text messages, anything like this where Mr. Fetter
13:14:33 10 asked you to travel on a weekend?

13:14:35 11 A I could probably find something. I don't
13:14:44 12 have anything up here right now to show the court or
13:14:47 13 show you, no, but I could dig deep probably and
13:14:50 14 produce something.

13:14:51 15 Q Okay. Well, you need to get that to me as
13:14:54 16 soon as possible because the question here, sir, is
13:14:59 17 when you would work outside of the eight to five
13:15:02 18 hours, it was your decision to work after eight to
13:15:06 19 five Monday through Friday, correct?

13:15:07 20 A That's not true, no.

13:15:11 21 Q Okay. Who's making the decision that you
13:15:14 22 had to work outside Monday to Friday eight to five?

13:15:16 23 A My supervisor, Jason Fetter.

13:15:19 24 Q And how did he can require you to do that?

13:15:22 25 A Through delegation of authority.

—RICHARD SZABO—

11

13:15:29 1 Q How would he delegate the authority?

13:15:35 2 A By saying, Ric, I need you to travel on
13:15:38 3 these dates or call me up on the phone and discuss
13:15:42 4 the plan throughout the week, saying for the
13:15:46 5 future -- say for a future trip, upcoming trip, and
13:15:51 6 he would be like I need you to do this and this and
13:15:54 7 this and this is how it's going to be, what do you
13:15:59 8 think. And sometimes I would disagree with it
13:16:02 9 because he would be wanting me to come home on a
13:16:05 10 Saturday and leave again on a Sunday for another week
13:16:09 11 and that would be where we would disagree, where we
13:16:11 12 would butt heads because he would absolutely require
13:16:14 13 me to travel on weekends.

13:16:18 14 Q And again --

13:16:19 15 A And since --

13:16:20 16 Q -- how was this communicated to you? Are
13:16:22 17 you saying these are verbal conversations you're
13:16:23 18 having?

13:16:24 19 A Verbally over the phone, yep, or in person
13:16:27 20 if he would be in the office.

13:16:28 21 Q Okay. Anytime was that put in any kind of
13:16:31 22 e-mail or text message or written correspondence to
13:16:36 23 you?

13:16:36 24 A Sometimes through Ms. Bunting in e-mails
13:16:41 25 basically typing, you know, telling me my itinerary,

~~RICHARD SZABO~~

12

13:16:46 1 when I would travel, when I would leave, when I would
13:16:49 2 return home, you know, it was just make up the entire
13:16:54 3 trip.

13:16:54 4 Q Hang on one second, the court reporter is
13:16:54 5 asking what you said. You said sometimes through
13:16:54 6 Ms. Bunting; is that correct? B-U-N-T-I-N-G?

13:16:54 7 A Yes.

13:17:03 8 Q Again, the testimony that was given by
13:17:07 9 Ms. Bunting, Megan, was if you had asked to travel
13:17:11 10 from Monday through Friday eight to five, you could
13:17:14 11 have done that? Do you agree or disagree with that
13:17:17 12 testimony?

13:17:17 13 A I disagree.

13:17:20 14 Q Okay. And why do you believe you couldn't
13:17:22 15 have asked to travel Monday to Friday, eight to five?

13:17:25 16 A Because I asked several times because I had
13:17:28 17 plans on the weekends and I was told that I could not
13:17:32 18 do that.

13:17:33 19 Q When you say you had asked several times,
13:17:35 20 again are these conversations being held verbally?

13:17:38 21 A Yes.

13:17:39 22 Q And who was it that was telling you
13:17:45 23 weren't allowed to travel Monday through Friday eight
13:17:47 24 to five? Was it Ms. Bunting, Ms. Delahoussaye,
13:17:55 25 somebody else, who was it?

—RICHARD SZABO—

13

13:17:56 1 A No, it would be Mr. Jason Fetter.

13:17:58 2 Q Did anybody else other than Jason Fetter
13:18:02 3 ever tell you you had to travel outside of Monday to
13:18:05 4 Friday eight to five o'clock?

13:18:06 5 A No. There was -- they didn't have any
13:18:11 6 authority to do so; only Jason.

13:18:13 7 Q When you were traveling outside of the
13:18:29 8 Monday through Friday, eight to five, did you ever
13:18:32 9 ask to be paid for that time while you were working
13:18:35 10 at Muncy Industries?

13:18:36 11 A I did not, because the understanding I'm
13:18:43 12 unpaid.

13:18:44 13 Q Why are you asking for it now?

13:18:46 14 A Because I found out that I was paid
13:18:54 15 improperly after the fact and that Jason Fetter
13:19:01 16 broke the law.

13:19:01 17 (Court reporter clarification.)

13:19:01 18 BY MR. STAPP:

13:19:07 19 Q How did you find that out, sir?

13:19:08 20 A Through my new employer and the proper, you
13:19:14 21 know, talking with other people, several people about
13:19:17 22 my past and -- excuse me -- they all said you should
13:19:27 23 look into it, so I did.

13:19:28 24 Q Who was the first person that told you got
13:19:30 25 paid -- that they believed you were getting paid in

~~RICHARD SZABO~~

14

13:19:34 1 violation of federal law?

13:19:39 2 THE WITNESS: Do I have to answer that,
13:19:40 3 Mary? I think that's a privacy thing.

13:19:44 4 MS. KRAMER: Ric, unless it's conversations
13:19:45 5 between you and myself, you do have to answer about
13:19:49 6 those.

13:19:50 7 THE WITNESS: Of who told me?

13:19:50 8 BY MR. STAPP:

13:19:50 9 Q Yeah, who was --

13:19:52 10 MS. KRAMER: Unless it's anyone from my
13:19:53 11 office, it would be. You don't have to disclose
13:19:56 12 anything you talked about or were told by anyone from
13:20:00 13 my office, but otherwise, yes, you need to answer.

13:20:05 14 THE WITNESS: Okay.

13:20:07 15 A So it would have been my new employer,
13:20:07 16 Phil Chant.

13:20:14 17 BY MR. STAPP:

13:20:14 18 Q So Phil Chant was the first person to tell
13:20:17 19 you you were being paid, in what he believed, was a
13:20:20 20 violation of federal law?

13:20:21 21 A Yes.

13:20:22 22 Q How close in time was that comment to you
13:20:27 23 in relation to his request to you to send the e-mail
13:20:31 24 that you sent to some of the Muncy Industries
13:20:35 25 customers?

~~RICHARD SZABO~~

15

13:20:37 1 MS. KRAMER: I'm going to -- I would object
13:20:40 2 to that, Greg, because I don't believe he e-mailed
13:20:45 3 anything that may be part of the other claims.

13:20:48 4 MR. STAPP: I think it's relevant for his
13:20:50 5 motivation as to why he's here and the jury is
13:20:54 6 certainly allowed to hear that.

13:20:54 7 BY MR. STAPP:

13:20:55 8 Q So I just want to know if it was during
13:20:56 9 that same conversation that you were asked to send an
13:20:58 10 e-mail to Muncy customers or not?

13:21:00 11 A It was not during the same conversation
13:21:00 12 whatsoever.

13:21:04 13 Q Was it before you were asked to send
13:21:05 14 e-mails to the customers or after?

13:21:07 15 A Oh, it was way before.

13:21:09 16 Q Okay. So before you were asked to send an
13:21:14 17 e-mail, Phil Chant told you that you could sue
13:21:17 18 Muncy Industries for what he believed was a violation
13:21:21 19 of federal law?

13:21:22 20 A Yes, it was before that conversation about
13:21:27 21 the e-mail, yes.

13:21:28 22 Q How close, was it during your interview or
13:21:31 23 was it after you were hired that you were told this?

13:21:34 24 A (No response.)

13:21:34 25 (Court reporter clarification.)

~~RICHARD SZABO~~

16

13:21:34 1 BY MR. STAPP:

13:21:34 2 Q I didn't hear. Did you answer the
13:21:34 3 question?

13:21:48 4 A I'm sorry. There were -- there were
13:21:48 5 multiple conversations probably repeated, so it would
13:21:51 6 have been after, it would have been before. It was
13:21:56 7 talked about multiple times.

13:21:58 8 Q Did he talk to you about it when he first
13:22:00 9 reached out to you, that is Phil Chant, to come work
13:22:03 10 for him?

13:22:08 11 A No. It was not.

13:22:10 12 Q Was it when you first came up to
13:22:14 13 Pennsylvania to interview with them for the job that
13:22:16 14 he talked to you about it?

13:22:17 15 A Yeah, maybe during that time frame, yes,
13:22:22 16 sir.

13:22:22 17 Q And did Mr. Chant actively encourage you to
13:22:28 18 file a federal lawsuit against Muncy Industries?

13:22:30 19 A It was a mutual partaking, I guess you
13:22:37 20 could say. At first I said, well, I'll think about
13:22:43 21 it. I'll think about it, you know, and the more I
13:22:45 22 thought about it then I decided to do it. But there
13:22:52 23 were multiple conversations that proceeded forward.

13:22:57 24 Q How many, when you say "multiple," how many
13:22:59 25 times did you guys talk about it?

~~RICHARD SZABO~~

17

13:23:00 1 A Oh, gosh, this is bad. I don't count these
13:23:04 2 things. There were multiple conversations.

13:23:06 3 Q More than two?

13:23:07 4 A Yes.

13:23:08 5 Q How about more than five conversations?

13:23:11 6 A Maybe.

13:23:16 7 Q Less than ten or more than ten?

13:23:18 8 A Less than ten.

13:23:20 9 Q Okay. So somewhere between five and ten
13:23:22 10 conversations before you decided to pursue a federal
13:23:25 11 lawsuit?

13:23:27 12 A Yes, sir.

13:23:28 13 Q And during that time was Mr. Chant
13:23:32 14 encouraging you to file a lawsuit against
13:23:34 15 Muncy Industries?

13:23:34 16 A I wouldn't say "encouraging," I would more
13:23:41 17 or less say checking on me to see how things are
13:23:45 18 going and if I reached out to Murphy Law Group.

13:23:51 19 Q Did he give you the name of Murphy Law Firm
13:23:54 20 to call?

13:23:54 21 A He did not. He didn't even know Murphy.
13:24:00 22 It was actually his employment lawyer, his employment
13:24:03 23 law firm. And I don't even know who they are -- if
13:24:14 24 they --

13:24:14 25 Q So just so I understand, Mr. Chant gave you

~~RICHARD SZABO~~

18

13:24:18 1 the name of his employment lawyer to call about this?

13:24:20 2 A No. They reached out to me via e-mail.

13:24:23 3 Q An attorney reached out to you via e-mail

13:24:27 4 that works with Phil Chant?

13:24:29 5 A It may be -- may have been a paralegal of

13:24:33 6 some sort that gave me Murphy Law Group's

13:24:37 7 information, actually gave me a specific person's

13:24:40 8 e-mail from Murphy, who had initially started this

13:24:44 9 claim with. Mary Kramer was not the initial person.

13:24:48 10 Q Okay. So if I understand you correctly,

13:24:53 11 I'm not asking what your communications said. An

13:24:58 12 attorney or somebody who works for an attorney what

13:25:01 13 works for Phil Chant reached out to you to help you

13:25:04 14 locate an attorney to file a federal lawsuit; is that

13:25:06 15 a correct statement?

13:25:07 16 A That would be a correct statement.

13:25:08 17 Q Before you met Phil Chant, did you have any

13:25:14 18 designs about filing a federal lawsuit for a Fair

13:25:19 19 Labor Standards Act against Muncy Industries?

13:25:20 20 A No, sir, I did not.

13:25:29 21 Q So it's correct to say that if you hadn't

13:25:32 22 met with Mr. Chant that you probably would have never

13:25:33 23 even filed this lawsuit?

13:25:35 24 A Probably correct, yes.

13:25:39 25 Q Let me ask you this, going back to how this

—RICHARD SZABO—

19

13:25:50 1 dynamic worked, at least the way you are describing
13:25:52 2 it, did you ever try to say to Mr. Fetter or anyone
13:25:56 3 else at Muncy Industries like Kimberly Bunting or
13:26:00 4 Megan Delahoussaye, that I don't want to travel this
13:26:03 5 weekend on Saturday or Sunday, can we move it to
13:26:06 6 Monday morning, did you ever have a time when you
13:26:08 7 tried to do that?

13:26:09 8 A No, sir.

13:26:10 9 Q Why didn't you ever ask to travel during
13:26:14 10 Monday through Friday if you didn't want to travel on
13:26:18 11 the weekends?

13:26:18 12 A Because I already knew the answer, which
13:26:20 13 would be no.

13:26:21 14 Q How did you know the answer already without
13:26:23 15 asking the question?

13:26:24 16 A Because I know Jason Fetter.

13:26:29 17 Q You'll have to explain to me what that
13:26:33 18 means?

13:26:33 19 A Well, I know his attitude towards me and
13:26:35 20 his attitude towards the trips and there was no room
13:26:39 21 for error. There was no room for moving things or
13:26:45 22 adjusting things, whatever he said goes and anyone in
13:26:52 23 that company will tell you the same answer. Whatever
13:26:55 24 he says goes. He's not a very flexible person.

13:27:00 25 Q Okay. Well, again there were other

—RICHARD SZABO—

20

13:27:03 1 employees that have testified in this case and they
13:27:07 2 indicated that they sometimes would work past five
13:27:11 3 or work through a lunch hour. Have you worked
13:27:15 4 through a lunch hour before when you worked for
13:27:17 5 Muncy Industries?

13:27:18 6 A Yes, numerous occasions.

13:27:21 7 Q And their testimony was that when they
13:27:24 8 worked through a lunch hour they didn't expect to be
13:27:27 9 paid because they assumed that was their choice to
13:27:29 10 decide to work through the lunch hour to get the work
13:27:32 11 done. How would you characterize your decision to
13:27:35 12 work through the lunch hour?

13:27:36 13 A It was because, just like you said, you had
13:27:44 14 to get, sometimes you needed to just buckle up and
13:27:47 15 get things done. I mean that's what a dedicated
13:27:51 16 employee does. You push through and get the job
13:27:54 17 done.

13:27:55 18 Q Right. Like in your situation, sir, just
13:27:59 19 as an example, you're a calibration technician,
13:28:03 20 correct, for Muncy Industries?

13:28:04 21 A Yes, sir.

13:28:05 22 Q And if you're at an employer's site and
13:28:09 23 you're working on a test bed as lunch approaches,
13:28:14 24 were there many times that you would just go ahead
13:28:16 25 and finish that work to make sure it got done?

—RICHARD SZABO—

21

13:28:19 1 A Oh yes.

13:28:20 2 Q When you did that, that was your decision
13:28:22 3 to keep working through the lunch hour, correct?

13:28:24 4 A It was, yes, sir.

13:28:26 5 Q If you had a test bed when you worked at
13:28:33 6 Muncy Industries where you were approaching
13:28:36 7 5:00 and you were close to getting the job done, were
13:28:38 8 there many times when you would just keeping working
13:28:40 9 past five to get that job finished?

13:28:42 10 A Many times.

13:28:44 11 Q Again that choice to go ahead and finish
13:28:48 12 it, whether it's 5:30 or 6:00, that was your choice
13:28:50 13 to keep working to get that job done, correct?

13:28:53 14 A I would like to state for the record
13:28:56 15 because I was salaried paid, I knew that that's what
13:29:03 16 -- that that's what was expected of me from my
13:29:08 17 employer. But let me tell you, if I was hourly paid,
13:29:10 18 there would have been phone calls, there would have
13:29:13 19 been I'm getting paid for this extra time, right?
13:29:16 20 You know, I would have made sure I was getting paid
13:29:22 21 by the hour for the hour. Please let me be clear at
13:29:24 22 that. I mean --

13:29:27 23 Q Yeah. Can you restate that answer, we just
13:29:29 24 didn't catch part of it. I'm sorry.

13:29:32 25 A That's okay. Just know that because I was

~~RICHARD SZABO~~

22

13:29:34 1 salaried, that's what was expected of me and I knew
13:29:38 2 that. But if I would have been hourly paid, they
13:29:41 3 would have been making sure I got paid by the hour
13:29:44 4 for every hour that I stayed after five o'clock.
13:29:48 5 Whether it be a phone call or making sure that he
13:29:51 6 knew I was still on the job after five.

13:29:55 7 Q So when you were hired you understand
13:30:00 8 because you were a salaried employee, you were not
13:30:04 9 going to get paid extra time if you worked past five
13:30:07 10 or worked through the lunch hour?

13:30:08 11 A I understood that.

13:30:09 12 Q And, in fact, my earlier question to you
13:30:12 13 was that you were asked to be paid for overtime while
13:30:17 14 you were at Muncy Industries. Did you ever ask to
13:30:19 15 get paid for travel time if you traveled for Muncy
13:30:22 16 outside of Monday through Friday eight to five?

13:30:24 17 A No, I did not.

13:30:26 18 Q Okay. And when you worked at Muncy
13:30:33 19 Industries, and I know we covered this in other
13:30:35 20 depos, I'm going to try really hard, Mr. Szabo, not
13:30:37 21 to repeat questions, but you basically created their
13:30:40 22 calibration program at Muncy Industries, correct?

13:30:43 23 A I would say, yes, yes.

13:30:48 24 Q And you taught several individuals at
13:30:52 25 Muncy Industries how to do calibration, correct?

—RICHARD SZABO—

23

13:30:55 1 A I attempted to. There were a total of
13:31:02 2 three that I can recall.

13:31:04 3 Q Okay. And one of those --

13:31:05 4 A Two of them ended up not actually working
13:31:08 5 there.

13:31:08 6 Q Okay. And one of those people was
13:31:10 7 Mr. Fetter himself, correct, didn't you teach
13:31:12 8 Mr. Fetter how you do your job?

13:31:15 9 A Sorry. I'm sorry. Sure, yes.

13:31:26 10 Q And you taught Shandi Crappell or tried to
13:31:31 11 teach her some of the calibration techniques; is that
13:31:34 12 correct?

13:31:34 13 A Yes, I did.

13:31:35 14 Q What other individuals besides those two
13:31:37 15 I've just named, did you actually teach some of the
13:31:39 16 calibration techniques?

13:31:42 17 A There was another gentlemen, William Croy.
13:31:42 18 (Court reporter clarification.)

13:31:42 19 BY MR. STAPP:

13:31:47 20 Q What was the last name, sir?

13:31:50 21 A I'm pretty sure the last name was Croy or
13:31:54 22 Roy. I can't spell it.

13:31:55 23 Q C-R-O-Y?

13:31:57 24 A C-R-O-Y.

13:32:00 25 Q And did Mr. Croy go on job assignments with

—RICHARD SZABO—

24

13:32:05 1 you to calibrate?

13:32:07 2 A He did. There was a few, yeah.

13:32:11 3 Q And Ms. Crappell went on some jobs with
13:32:13 4 you, too, to employers or to customer sites to
13:32:18 5 calibrate, correct?

13:32:19 6 A I think there was one time, yes, sir.

13:32:21 7 Q When you would have Shandi Crappell or
13:32:25 8 William Croy with you, would you supervise them while
13:32:30 9 they were on the customer site?

13:32:32 10 A No, sir. I was not given any authority to
13:32:39 11 supervise.

13:32:40 12 Q Did you help them perform the calibrations
13:32:43 13 when you were there with them?

13:32:44 14 A Yeah, I would, it was a team effort for
13:32:48 15 sure.

13:32:49 16 Q And if they were doing something wrong,
13:32:50 17 would you tell them how to fix that so they weren't
13:32:53 18 doing it incorrectly?

13:32:55 19 A Yeah, that's, I mean that goes with
13:33:00 20 training someone, yes, sir, you want to make sure
13:33:03 21 they do the job and learn it correctly.

13:33:06 22 Q Were there times with either Ms. Crappell
13:33:08 23 or Mr. Croy where they would ask for your assistance
13:33:10 24 with a calibration technique or something they were
13:33:13 25 doing to perform the work?

~~RICHARD SZABO~~

25

13:33:14 1 A Yes. Sure. There were always questions
13:33:21 2 about doing things.

13:33:21 3 Q Okay. And when they, those questions, they
13:33:24 4 were directed to you?

13:33:25 5 A Well, yes, sir, I was the only one there.

13:33:31 6 Q And did you then help them perform the
13:33:34 7 task?

13:33:34 8 A Well, yes, sir.

13:33:36 9 Q Okay. So and it's correct to say that when
13:33:39 10 these people, William Croy and Shandi Crappell would
13:33:43 11 go on a job assignment with you, you were trying to
13:33:45 12 make sure they were doing the work correctly; is that
13:33:49 13 right?

13:33:49 14 A Well, yes, sir, you don't want to teach
13:33:56 15 them to do it wrong.

13:33:57 16 Q So in essence, I mean isn't that what
13:34:05 17 supervision is, is everything you just described:
13:34:08 18 Answering questions, giving them directions, helping
13:34:12 19 them do the job correctly, wouldn't you agree that's
13:34:14 20 what supervision is?

13:34:16 21 A No, sir. I was a trainer. I was not
13:34:18 22 supervisor. Let's be clear.

13:34:19 23 Q And, well, help me understand the
13:34:22 24 difference in your perspective between what you did
13:34:24 25 and what supervision is?

—RICHARD SZABO—

26

13:34:27 1 A Okay. Well, for example, my brother-in-law
13:34:29 2 works for the government, he is a trainer. He's
13:34:33 3 clearly someone that trains people to do a certain
13:34:35 4 job, but he's not a supervisor. He doesn't have any
13:34:39 5 supervisory capabilities hiring people, firing
13:34:42 6 people, do this, do that, do what I say or, you know,
13:34:47 7 that's what a supervisor is.

13:34:50 8 But to train someone, you're just training
13:34:52 9 someone. You're teaching them how to do a job and
13:34:55 10 that's all I did was teach people how to do a job.

13:34:58 11 Q Okay. So, again, let's try to make sure I
13:35:03 12 understand, it sounds to me like your definition,
13:35:07 13 okay, and definitions are very important in the law,
13:35:10 14 of someone who supervises means that they have to
13:35:14 15 have the ability to hire or fire that employee; is
13:35:18 16 that correct?

13:35:18 17 A Let's not twist that around. I'm not
13:35:25 18 saying that. I'm just saying that I didn't have any
13:35:29 19 delegation authorities. I was just there to make
13:35:33 20 sure someone did the job correctly, to understand the
13:35:37 21 process and how Muncy does things. I was not any
13:35:41 22 type of supervisor.

13:35:42 23 Q Okay. Well, let's talk about an individual
13:35:45 24 site where you would have gone with somebody like
13:35:47 25 William Croy, right, so you arrive at the customer's

—RICHARD SZABO—

27

13:35:51 1 location. who was the person who decides who is
13:35:54 2 going to do what part of the job that day when you
13:35:57 3 would arrive?

13:35:57 4 A I don't know. we just did it. we just
13:36:05 5 tackled it and did things, I mean it wasn't --

13:36:08 6 Q Okay. well, was it you that told Mr. Croy,
13:36:11 7 I'm going to go do this --

13:36:11 8 A I didn't delegate.

13:36:11 9 Q -- and you're going to go do that?

13:36:14 10 A No, I didn't delegate. No, I didn't do
13:36:16 11 that.

13:36:17 12 Q How did you decide with Mr. Croy and
13:36:18 13 Ms. Crappell who was going to do what part of the
13:36:23 14 job?

13:36:23 15 A We just would open up the stuff and just
13:36:26 16 start tackling. Sometimes they would say, okay, I'll
13:36:29 17 do this or do that and you do this and do that, okay,
13:36:33 18 that's fine. You know, however you all want to do
13:36:36 19 it, let's do it, you know.

13:36:38 20 Q Okay. well, I believe the testimony from
13:36:46 21 Megan and/or Kimberly Bunting both was that when you
13:36:48 22 were on the job site you were allowed to supervise
13:36:50 23 individuals like Shandi Crappell or William Croy. Do
13:36:53 24 you agree or disagree with that statement?

13:36:56 25 A I was training them.

~~RICHARD SZABO~~

28

13:37:00 1 Q Okay. So were you training them the entire
13:37:02 2 time that they worked with you?

13:37:04 3 A No, once they learned the job, we would
13:37:09 4 just be teammates at that point.

13:37:10 5 Q Okay. So after they were trained, didn't
13:37:13 6 you have the authority to supervise them on the job
13:37:16 7 site at that point to tell them what they could do
13:37:18 8 and you would do something different, correct?

13:37:20 9 A Oh, absolutely not. I did not have the
13:37:25 10 authority to say you do this or I'll do that or
13:37:29 11 whatever. We were just equals at that point. I was
13:37:33 12 not a team leader or a -- you know, once they were
13:37:39 13 calibration technicians, they were just a technician
13:37:42 14 like me.

13:37:44 15 Q Okay. Just so I understand your testimony,
13:37:46 16 after you trained either Mr. Croy or Ms. Crappell,
13:37:51 17 it's your testimony today that you never went to a
13:37:54 18 job site for Muncy Industries and told either one of
13:37:56 19 them what they should do at the job site that day,
13:37:59 20 correct?

13:37:59 21 A That's correct. I mean, there was possible
13:38:11 22 -- never mind. I'm going to be quiet.

13:38:13 23 Q Let me go into, I'm going to try and do
13:38:16 24 this if I can and share the screen. I just want to
13:38:19 25 go over the salary stuff. Before I do that, let me

—RICHARD SZABO—

29

13:38:22 1 just cover this issue quickly and then we'll move
13:38:25 2 back to salary. So I'm going to try to share my
13:38:28 3 screen here with you guys. Okay.

13:38:40 4 So let me go to the top here. So this is
13:38:47 5 on Page 131 of the Bate Stamped documents. This is
13:38:54 6 entitled an Employee Warning Report. Do you
13:38:56 7 recognize this document, sir?

13:38:58 8 A What's this have to do with salary?

13:39:02 9 MS. KRAMER: Greg, I think this is
13:39:04 10 e-mail --

13:39:05 11 A This is bullshit.

13:39:06 12 MS. KRAMER: -- whether Mr. Szabo was paid
13:39:10 13 correctly or classified correctly.

13:39:11 14 A Every time, in the other case you did this.

13:39:16 15 MS. KRAMER: Ric.

13:39:16 16 THE WITNESS: I'm sorry.

13:39:19 17 A This has nothing to do with that. He's
13:39:19 18 going to make me out to be a bad guy, man.

13:39:19 19 BY MR. STAPP:

13:39:23 20 Q This is directly related to your employment
13:39:25 21 with Muncy Industries and you're making a claim for
13:39:27 22 wages as a result of your employment, so I just want
13:39:29 23 to verify that this is your signature on this
13:39:32 24 document that I'm trying to confirm here. So I just
13:39:35 25 want to ask you the simple question --

—RICHARD SZABO—

30

13:39:37 1 A There are plenty of documents with my
13:39:37 2 signature on it that you didn't have to pull this one
13:39:39 3 up in front of people. I apologize, but that's --
13:39:46 4 plenty of documents, Greg.

13:39:48 5 Q Okay. My --

13:39:49 6 MS. KRAMER: I just want to object.

13:39:51 7 BY MR. STAPP:

13:39:51 8 Q My question is, Mr. Szabo, is this your
13:39:54 9 signature here on this document?

13:39:55 10 A Yes, sir.

13:40:01 11 MR. STAPP: Did we lose him?

13:40:03 12 MS. KRAMER: Greg, is he still there?

13:40:06 13 MR. STAPP: I don't even see him on the
13:40:07 14 screen. Let me go out of Share screen. Let me go
13:40:10 15 back to the salary stuff because it's all the way up
13:40:12 16 at the top so whatever happens here. I don't see him
13:40:19 17 on here. I'm going to try to go to some other
13:40:23 18 documents.

13:40:24 19 MS. KRAMER: I'm asking my assistant to
13:40:26 20 help.

13:40:27 21 MR. STAPP: Okay. I'll scroll to the top
13:40:29 22 of this one so we can get back to the salary stuff.

13:40:29 23 (1-page Employment Warning Report marked as
13:41:12 24 Exhibit 1.)

13:41:12 25 MS. KRAMER: Greg, I'm going to need to

~~RICHARD SZABO~~

31

13:41:15 1 give him a call. Can we just go -- is this off the
13:41:17 2 record?

13:41:17 3 (Discussion held off the record.)

13:41:18 4 MR. STAPP: All I'm doing is giving her
13:41:21 5 that document so he has that.

13:41:23 6 MS. KRAMER: Okay. Thanks.

13:45:13 7 He said he was coming back. There he is.

13:45:30 8 (Recess.)

13:45:30 9 BY MR. STAPP:

13:45:33 10 Q Mr. Szabo, can you hear me?

13:45:34 11 A Yes.

13:45:35 12 Q Okay. I'm showing you now some documents
13:45:42 13 that were in the discovery that was produced and this
13:45:47 14 is just what appears to be some type of record that
13:45:51 15 was being kept by Muncy Machine and Tool. I just
13:45:55 16 want to understand from your perspective, have you
13:45:57 17 seen this before when you were working there?

13:45:59 18 A No, sir.

13:46:02 19 Q Okay. Do you know, were you keeping this
13:46:07 20 or is this -- did you have to clock in and clock out?

13:46:10 21 A We did have to clock in on a time clock and
13:46:16 22 clock out.

13:46:17 23 Q When you were at the facility, correct?

13:46:19 24 A When we were at the facility, correct.

13:46:22 25 Q So, and again if you can't answer this

—RICHARD SZABO—

32

13:46:25 1 question, sir, that's fine. I'm really just trying
13:46:27 2 to make sure I understand from both sides, your side
13:46:30 3 and my client's side. Are these what appear to you
13:46:34 4 to be days that you would have been working at
13:46:37 5 Muncy Industries' location in Louisiana, where you're
13:46:41 6 clocking in and clocking out?

13:46:43 7 A It looks correct. I mean it looks, it
13:46:48 8 appears to be that, yes. I apologize.

13:46:50 9 Q So the record can reflect, I'm referring to
13:46:54 10 what's Bate stamped Page 17 and 18 and goes on for
13:46:58 11 some time what appear to be clock records, so I just
13:47:02 12 want to make sure I know what these are. Despite
13:47:05 13 your clocking and clocking out, you were paid a
13:47:08 14 salary with a bonus structure, correct?

13:47:10 15 A That's correct.

13:47:14 16 Q And, for instance, I have an e-mail where
13:47:19 17 you were paid a \$200 bonus on August 23rd, 2018, and
13:47:24 18 I'm not going to mark this as an exhibit, I'll see if
13:47:29 19 I can just show you that so you see what I'm talking
13:47:32 20 about. And then if you just tell me how that was
13:47:36 21 paid, what your understanding of how that was paid
13:47:39 22 was (scrolling). Okay.

13:47:42 23 A Are you ready for me to answer that or are
13:47:48 24 you --

13:47:48 25 Q Yeah, let me just get to that, I'm sorry, I

~~RICHARD SZABO~~

33

13:47:50 1 thought there was a faster way to scroll on this I
13:47:52 2 would. I think I put this wrong. Let me show you
13:47:54 3 this one first because this is older.

13:47:55 4 Here is one from Mr. Fetter to someone at
13:47:58 5 Muncy Industries about a \$200 bonus in August of
13:48:02 6 2018. Do you recall getting a bonus back in
13:48:05 7 August of 2018?

13:48:06 8 A I would say that's accurate, yes, sir.

13:48:09 9 Q And what was the bonus for?

13:48:11 10 A That I can't remember.

13:48:15 11 Q Okay.

13:48:16 12 A I wish I could.

13:48:18 13 Q And here's another one, right above, on
13:48:20 14 January 31st of 2019, where it looked like you were
13:48:24 15 given a bonus of \$400. Do you recall that bonus?

13:48:27 16 A I'll just answer you for the future ones, I
13:48:33 17 do remember getting every bonus that he gave me. I
13:48:36 18 do remember it.

13:48:37 19 Q Now, one of the bonus structures, at least
13:48:39 20 from what I have seen and again I just want to
13:48:41 21 confirm this with you, appears to be based on how
13:48:44 22 many calibrations you did; is that correct?

13:48:48 23 A That is true.

13:48:50 24 Q Okay. And is that the only thing you got
13:48:56 25 paid a bonus for was how many calibrations you did?

—RICHARD SZABO—

34

13:48:59 1 A well, let's clarify the statement. I would
13:49:06 2 get a raise, as you show here, a raise, not a bonus,
13:49:11 3 performing calibrations. The bonuses were just for,
13:49:15 4 I guess, for doing a good job or added to my customer
13:49:21 5 satisfaction, things like that.

13:49:23 6 Q Okay.

13:49:23 7 A So I just want to clarify, you're using
13:49:25 8 this bonus versus raises.

13:49:27 9 Q Okay. All right. Well, I appreciate that.
13:49:29 10 That's the whole purpose of my question. So here's
13:49:32 11 an e-mail on the same date as the earlier one where
13:49:35 12 you were given a bonus, where it also says you're
13:49:37 13 getting a raise of \$2,000 on August 18th of 2018.
13:49:42 14 Did you get a raise at that time?

13:49:43 15 A Yes, sir, I did.

13:49:46 16 Q Okay. And looks like there's even one --
13:49:50 17 and I apologize of getting it out of order -- on
13:49:53 18 July of 2018 it looks like you got one for another
13:49:59 19 \$2,000. Let me see if I can get to that page
13:50:04 20 (scrolling). See, here's one for July 2018, one
13:50:07 21 month, approximately one month before the one we just
13:50:10 22 looked at where you got an annual raise of \$2,000 as
13:50:13 23 well; is that correct?

13:50:14 24 A Yeah, I can't remember and I'll just -- I
13:50:23 25 can't remember. I don't think I got two raises

RICHARD SZABO

35

13:50:26 1 within a month of each other. I think maybe what
13:50:29 2 happened was he sent the notification and I let him
13:50:34 3 know that I never got it and I think that he had to
13:50:38 4 resend it because somehow it got missed in the loop.
13:50:41 5 That's my memory, sir.

13:50:43 6 Q Okay. So I think you and I are saying
13:50:47 7 together that you got a \$2000 raise in August of '18,
13:50:51 8 but you did get a bonus as well around that time of
13:50:54 9 \$200; is that correct?

13:50:56 10 A That is, yes, sir.

13:50:58 11 Q Okay. Now, let me show you this page,
13:51:01 12 because this seems to lay out some -- something
13:51:04 13 between you and Mr. Fetter about your pay. So I'm
13:51:10 14 showing you what's been marked Bates document 79, and
13:51:13 15 you know, this one I think I will mark as an exhibit,
13:51:17 16 this would be Exhibit Number 2 to the deposition and
13:51:22 17 I'll get you a clean copy. But do you recognize this
13:51:27 18 document, Mr. Szabo?

13:51:27 19 (1-Page Undated Typewritten Offer Letter
13:51:28 20 marked as Exhibit 2.)

13:51:28 21 A I think that was on my offer letter when I
13:51:34 22 got employed.

13:51:35 23 BY MR. STAPP:

13:51:35 24 Q So this is the -- this is giving to you
13:51:38 25 when you were hired on January of 2018?

~~RICHARD SZABO~~

36

13:51:40 1 A That's correct.

13:51:41 2 Q And it looks like you're going to receive a
13:51:46 3 salary increase of \$2,000 for "every 30 E4
13:51:52 4 calibrations you successfully perform;" is that
13:51:56 5 correct?

13:51:56 6 A That is correct.

13:51:58 7 Q So does that mean that when you got the
13:52:02 8 salary increase by July of 2018, that you had
13:52:05 9 completed 30 calibrations by that point?

13:52:08 10 A Yes, that's true.

13:52:10 11 Q This also seems to indicate that even after
13:52:16 12 your salary is over \$50,000, they are going to
13:52:20 13 provide you a bonus for \$500 for every 20 E4
13:52:24 14 calibrations you perform; am I reading that
13:52:26 15 correctly?

13:52:27 16 A That is correct.

13:52:28 17 Q Did you ever take advantage of that when
13:52:30 18 you got to a point where your salary was at at
13:52:33 19 \$50,000 or over?

13:52:35 20 A No, sir.

13:52:35 21 Q Okay.

13:52:37 22 A I didn't quite make it on that.

13:52:40 23 Q And that's going to bring me to this next
13:52:44 24 one we have, which is it looks like by April 1st of
13:52:49 25 2019, and starting effective May 1st of 2019, your

~~RICHARD SZABO~~

37

13:52:55 1 salary was going to be a total of \$45,000; is that
13:52:58 2 correct?

13:52:58 3 A Sure.

13:53:03 4 Q Is that --

13:53:04 5 A I can't -- I can't even remember that time
13:53:09 6 frame what I was making, but I'm just going to have
13:53:12 7 to assume that this is correct. I don't know if
13:53:14 8 that's the right thing.

13:53:18 9 Q So you don't have any reason to disagree
13:53:20 10 with the fact you were getting \$45,000?

13:53:23 11 A I don't disagree with it, that's correct.
13:53:26 12 I don't disagree with it.

13:53:27 13 Q Just so, and I apologize, I did it at least
13:53:29 14 once myself, but just wait until I finish my question
13:53:32 15 to answer. That's one of the rules we didn't go over
13:53:35 16 today, but just so the court reporter can get down my
13:53:37 17 question and your answers, so we're not talking over
13:53:39 18 each other.

13:53:45 19 Now is that, the \$45,000, not including
13:53:49 20 bonuses mind you, is that the salary you were at when
13:53:52 21 you left Muncy Industries?

13:53:56 22 A I do not think that is correct.

13:54:02 23 Q Okay. You had --

13:54:03 24 A That is not correct.

13:54:05 25 Q You had another increase. Okay. What was

~~RICHARD SZABO~~

38

13:54:05 1 your salary?

13:54:06 2 A Close to 50, like I think I was right at
13:54:13 3 that 49 mark, 48, 49, to be honest.

13:54:17 4 Q Okay. And you got other bonuses, too,
13:54:21 5 while you were there, other than the two I showed you
13:54:26 6 today; is that right?

13:54:26 7 A So to be honest, I believe I got one more.
13:54:32 8 And that was, yeah, I believe I got one more.

13:54:35 9 Q Okay. I'm going to show you --

13:54:38 10 A There was an \$800 bonus one time, I just.

13:54:43 11 Q I don't have any official documentation
13:54:45 12 other than this handwritten note, but it looked like
13:54:48 13 someone wrote a note on April 28 of 2019, to increase
13:54:53 14 your salary to \$47,000. Did you get an increase to
13:54:58 15 \$47,000, based on the calibrations in April of 2018?

13:55:02 16 A I did do that. That is actually my
13:55:06 17 handwriting and my note that I sent to Jason.

13:55:10 18 Q Okay. And did they honor it?

13:55:13 19 THE WITNESS: There is something on my
13:55:14 20 screen. I apologize, something is going on. Give me
13:55:17 21 just a second. Some background program is
13:55:21 22 interrupting. All right. Go ahead.

13:55:25 23 BY MR. STAPP:

13:55:25 24 Q And is it your recollection that this
13:55:29 25 request by you was honored to increase it to the next

RICHARD SZABO

39

13:55:32 1 \$2,000 level?

13:55:34 2 A It was honored, yes, sir.

13:55:38 3 Q So if I understand the testimony so far at
13:55:44 4 least it looks like that Muncy Industries honored
13:55:47 5 that deal that we just showed you that has been
13:55:51 6 marked Exhibit Number 2 regarding your salary and
13:55:53 7 your pay rate with them; is that correct?

13:55:55 8 A That is correct.

13:55:58 9 Q And as you and I discussed before, you had
13:56:07 10 requested that to help you out, that Muncy provide a
13:56:11 11 vehicle which really in essence was then purchasing
13:56:14 12 the vehicle that you already were driving; is that
13:56:16 13 right?

13:56:16 14 A They did purchase my car, correct.

13:56:21 15 Q So I'm going to show you this, do you
13:56:25 16 recognize this document, the Company Vehicle
13:56:30 17 Agreement?

13:56:30 18 A I'm pretty sure that it's familiar, yes.
13:56:37 19 Yeah, I think we had to sign it.

13:56:41 20 Q And this is a 2016 Toyota Scion, S-C-I-O-N;
13:56:44 21 is that correct?

13:56:46 22 A That is correct.

13:56:46 23 Q And this is your signature here; is that
13:56:49 24 right?

13:56:49 25 A I can't see it. Oh, there it is.

~~RICHARD SZABO~~

40

13:56:55 1 Q Right here, is that your signature?

13:56:57 2 A That is correct, yeah.

13:56:58 3 Q So just so, so for purposes of
13:57:00 4 completeness today, I'll mark that Deposition
13:57:00 5 Exhibit 3.

13:57:00 6 (2-Page Company Vehicle Agreement marked as
13:57:10 7 Exhibit 3.)

13:57:10 8 BY MR. STAPP:

13:57:11 9 Q Okay. In addition to the car, there was a
13:57:14 10 reimbursement for some moving expenses, too; is that
13:57:17 11 right?

13:57:17 12 A Yes, they provided partial moving cost when
13:57:25 13 I moved to join the company.

13:57:28 14 Q And I'm showing you a document that they
13:57:33 15 titled, Muncy Industries did, Moving Expense, re
13:57:39 16 hyphen payment promissory note. Do you recognize
13:57:40 17 this document?

13:57:40 18 A Yes, I do. I do remember that.

13:57:43 19 Q Okay. So what, help me understand what
13:57:47 20 this is. Were they just offering to loan you the
13:57:50 21 company or were they giving you the \$1500?

13:57:52 22 A It was a loan to be paid back by time
13:57:58 23 served, if that makes sense.

13:58:01 24 Q Okay.

13:58:01 25 A Meaning that if I stayed with them for two

~~RICHARD SZABO~~

41

13:58:03 1 years, that I no longer had to pay that money back.

13:58:07 2 Q Okay. And did you ever have to pay back
13:58:09 3 the moving expenses that they gave to you?

13:58:11 4 A No, I did not have to pay them back. That
13:58:20 5 was clean.

13:58:20 6 Q Okay.

13:58:20 7 (Court reporter clarification.)

13:58:20 8 BY MR. STAPP:

13:58:21 9 Q You said "clean"; is that right?

13:58:23 10 A Yeah, I guess, the slate was clean, wiped
13:58:26 11 clean. I apologize.

13:58:27 12 Q So now I'm just going to show you, and this
13:58:30 13 one I think I'll mark these two because they are
13:58:32 14 actual, what appear to be payments related to the
13:58:36 15 moving. It looks like there was a U-Haul payment of
13:58:42 16 it looks to me to be 892.20, that was paid to U-Haul.
13:58:49 17 Does that sound about right for your moving expense
13:58:52 18 with U-Haul?

13:58:53 19 A Yes, that's about right, yeah.

13:58:55 20 Q And then --

13:58:56 21 A That's actually my handwriting. Sorry.

13:58:59 22 Q Okay, okay. So this was a form you
13:59:02 23 submitted to Muncy Industries for payment?

13:59:03 24 A That's what I had to do, yes.

13:59:05 25 Q Okay. And this looks like maybe a receipt

~~RICHARD SZABO~~

42

13:59:07 1 from your U-Haul order reservation; is that what --
13:59:12 2 is that what this is?

13:59:12 3 A Yes, sir.

13:59:14 4 Q And do you recognize this is a true and
13:59:17 5 authentic copy of your reservation receipt for
13:59:21 6 confirmation?

13:59:21 7 A Yes, it is.

13:59:22 8 Q Okay. So, what, you were moving from
13:59:28 9 Savannah, Georgia, I guess, to Lafayette, Louisiana;
13:59:31 10 is that right?

13:59:31 11 A That's correct.

13:59:32 12 Q Okay. So we'll just mark that 4 so we have
13:59:36 13 it.

13:59:36 14 (Two Pages of U-Haul Receipts marked
13:59:37 15 Exhibit 4.)

13:59:37 16 BY MR. STAPP:

13:59:40 17 Q In addition to the car that they bought for
13:59:44 18 you and the moving expenses they paid, you were also,
13:59:48 19 because of the traveling, you were given a credit
13:59:50 20 card to use as well; is that right?

13:59:51 21 A Yes, that's correct.

13:59:54 22 Q And you did use that credit card for travel
13:59:59 23 expenses; is that right?

14:00:01 24 A Yes, I did.

14:00:03 25 Q Help me understand from your perspective

~~RICHARD SZABO~~

43

14:00:06 1 what kinds of things were you allowed to purchase
14:00:08 2 with the company card?

14:00:10 3 A Food, hotel purchases, an occasional
14:00:18 4 airline ticket if I needed to, anything -- anything
14:00:27 5 work related. So I had to put tires on the car, I
14:00:31 6 would use it for that. It was specifically work
14:00:33 7 related.

14:00:33 8 Q Okay. So they, so Muncy was paying, when
14:00:38 9 you were on the road, they were paying for your food
14:00:40 10 and hotel, correct?

14:00:41 11 A That is correct.

14:00:43 12 Q And did you have to reimburse them for
14:00:53 13 those items or the company paid for them completely?

14:00:55 14 A No, I didn't have to pay them.

14:01:00 15 Q Anything else that you can recall that you
14:01:08 16 were given or that Muncy paid for for you, other than
14:01:12 17 what we've discussed here today, which are so far
14:01:15 18 salary with bonuses, salary increases, the purchase
14:01:21 19 of a vehicle for you to use with the company, as well
14:01:23 20 as your moving expenses and all of your travel
14:01:26 21 expenses. Is there anything else that Muncy paid for
14:01:28 22 you besides those items?

14:01:29 23 A Yes.

14:01:35 24 Q Okay. What else did they pay?

14:01:36 25 A I don't know if it applies to this

~~RICHARD SZABO~~

44

14:01:40 1 category, but I had a company paid cell phone as
14:01:43 2 well.

14:01:43 3 Q Okay. Were you allowed to use that
14:01:47 4 personally or you didn't have to pay for a cell phone
14:01:50 5 or no?

14:01:51 6 A I was.

14:01:53 7 Q And did you use it for your personal cell
14:01:57 8 phone as well or did you have a separate cell phone?

14:02:00 9 A I had a separate.

14:02:02 10 Q But you could have saved the expense of a
14:02:05 11 separate cell phone if you wanted to by just using
14:02:07 12 theirs for personal use as well?

14:02:09 13 A There were -- there were times, yes, that I
14:02:14 14 actually did use theirs, yes, to save the expense.

14:02:18 15 Q So there were some months where you didn't
14:02:20 16 have another cell phone, you would just use
14:02:22 17 Muncy Industries'?

14:02:23 18 A Yes, sir.

14:02:24 19 Q Okay. So a couple more documents that I
14:02:47 20 want to just cover since I am trying to figure out
14:02:49 21 what these are too and then we'll go back to other
14:02:52 22 questions. I think this may be related to the moving
14:02:55 23 expenses, but I'm not sure, so I'm really just
14:02:57 24 looking for your eyes only to see what these are.

14:03:02 25 This is a document that's a Bates 117 and

—RICHARD SZABO—

45

14:03:07 1 it looks like it's moving expenses. Do you recognize
14:03:10 2 the handwriting and/or what this document is?

14:03:13 3 A Actually, yes. This is the -- this is
14:03:22 4 another submitted document from me to Jason about
14:03:26 5 getting paid for the moving expenses.

14:03:29 6 Q Okay. So did you get paid this 990.97 by
14:03:33 7 Muncy Industries as well?

14:03:37 8 A I'm pretty sure I did. I think they may
14:03:40 9 have given me a different amount, but I did get paid
14:03:43 10 something for that.

14:03:44 11 Q Do you know whether you got paid all of
14:03:47 12 this or just some of it?

14:03:48 13 A I'm pretty sure they gave me all of it.
14:03:51 14 They may have. I don't know. I can't remember.
14:03:56 15 It's so long ago. But they did pay me, yes.

14:03:59 16 Q Okay. I'm going to mark that one as
14:04:05 17 Exhibit 5, just so we don't lose track of these.

14:04:07 18 (1-Page Expense Statement marked
14:04:08 19 Exhibit 5.)

14:04:08 20 BY MR. STAPP:

14:04:09 21 Q Here is another one, next one is Bates
14:04:12 22 stamped 118. It appears to be some kind of a receipt
14:04:16 23 and it is, I can't read it, it looks like 425, maybe,
14:04:21 24 and some change. Do you recognize this document? I
14:04:24 25 apologize for it being turned. I would turn it if I

~~RICHARD SZABO~~

46

14:04:28 1 could.

14:04:33 2 A Yeah, I don't. I'm not sure what it is
14:04:35 3 for.

14:04:37 4 Q It's saying Apartment 1521. Do you know
14:04:39 5 what Apartment 1521 is?

14:04:41 6 A Oh. (Reviewing.)

14:04:48 7 Q And it says assistant manager.

14:04:53 8 A Wait, that's a receipt from my apartment to
14:04:57 9 me for -- for it looks like a prorated rent, yeah,
14:05:03 10 prorated rent for the first month when I moved in.
14:05:06 11 I'm pretty sure that's what that is, but I don't know
14:05:10 12 why Jason would have that in his possession.

14:05:13 13 Q Well, you guessed my question. So do you
14:05:16 14 know why this is in discovery? Did Muncy Industries
14:05:19 15 pay this amount for you possibly or no?

14:05:22 16 A I don't know why he has that. It could be
14:05:28 17 related as part of the payment. I just can't
14:05:31 18 remember.

14:05:33 19 Q Okay. Here is another one at Bates
14:05:38 20 stamp 120, do you know what this document is, the
14:05:52 21 Emberwood Apartments?

14:05:52 22 A (Reviewing.) No, it looks like all my --
14:05:57 23 that looks like the move-in expenses --

14:05:59 24 Q Okay.

14:05:59 25 A -- that I needed to provide payment for

—RICHARD SZABO—

47

14:06:02 1 before I could move in.

14:06:03 2 Q Okay. It looks like this is your signature
14:06:05 3 on the document, here is the number again 425.97, is
14:06:10 4 it possible that 425.97 was for you to pay to the
14:06:13 5 apartment to move into the area?

14:06:18 6 A It sounds like it, yes. I would agree with
14:06:21 7 that.

14:06:22 8 Q So did you request reimbursement from
14:06:25 9 Muncy Industries for that 425.97?

14:06:34 10 A No. This, I believe, is all part of the
14:06:36 11 moving expenses. That \$1500 loan that we reviewed a
14:06:42 12 moment ago, this was all inclusive with that.

14:06:45 13 Q So what I'm going to do is mark the receipt
14:06:48 14 form and this "Emberwood welcome Home" together,
14:06:52 15 that's Bates stamp 118 and 120 as Exhibit Number 6,
14:06:55 16 just so we have a little bit better explanation of
14:06:58 17 what that is. So that's part of the moving expenses
14:07:01 18 they paid you; is that correct?

14:07:01 19 (Two Pages of Receipts marked as
14:07:03 20 Exhibit 6.)

14:07:03 21 A Yes.

14:07:07 22 BY MR. STAPP:

14:07:07 23 Q And Mr. -- so let me shift gears a little
14:07:21 24 bit. When you worked for Muncy Industries, you
14:07:25 25 actively tried to obtain new customers for them; is

—RICHARD SZABO—

48

14:07:28 1 that right?

14:07:28 2 A Sorry, repeat the question.

14:07:36 3 Q When you worked for Muncy Industries, you
14:07:38 4 actively tried to recruit new customers for them; is
14:07:42 5 that right?

14:07:42 6 A I would say yes, yes.

14:07:49 7 Q In fact, you had suggested at one point
14:07:52 8 that they consider a -- I'm going to try and pull
14:07:57 9 this document up too, if I can, so let me do this,
14:07:59 10 I'll stop sharing the screen for a second and then
14:08:04 11 I'm going to go over here and pull this up.

14:08:09 12 At one point you had, it looks like,
14:08:11 13 suggested a Mailchimp campaign be tried by Muncy
14:08:18 14 Industries. Do you recall talking to Mr. Fetter
14:08:21 15 about that idea?

14:08:25 16 A I do remember something about Mailchimp,
14:08:27 17 yes, sir.

14:08:28 18 Q Let me go back to, so I'm going to show you
14:08:35 19 what is Bate Stamped 259 through 261 or 62, this
14:08:41 20 appears to be an e-mail from you to Mr. Fetter on
14:08:44 21 August 15th of 2019. Do you recognize this e-mail?

14:08:52 22 A Sure.

14:08:55 23 Q And was that your e-mail address when you
14:08:57 24 worked there, ric@muncyindustries.com?

14:08:59 25 A Yes.

~~RICHARD SZABO~~

49

14:09:03 1 Q It looks like you are sending him basically
14:09:06 2 what is an advertisement for how to do a Mailchimp
14:09:10 3 campaign; is that a fair statement?

14:09:12 4 A Yes, I believe, yes.

14:09:17 5 Q And am I correct, Mailchimp is a way to
14:09:21 6 send out solicitations to potential customers to get
14:09:26 7 their business; is that what you were giving it to
14:09:29 8 him for?

14:09:30 9 A He wanted me to, if I remember correctly,
14:09:36 10 it wasn't specifically for that, but it was along
14:09:39 11 those lines. I think he wanted us to make a campaign
14:09:42 12 page to put into a magazine is what it was. And it
14:09:45 13 was a magazine that, yes, Muncy customers had
14:09:48 14 subscribed to.

14:09:50 15 Q Okay. And was that your idea or
14:09:52 16 Mr. Fetter's idea to try and solicit customers?

14:09:56 17 A Oh, it was clearly his idea. I'd just do
14:10:00 18 what he said.

14:10:01 19 Q Okay. And then there was another exchange
14:10:09 20 that looked like it occurred between you and
14:10:12 21 Mr. Fetter regarding some individuals you were
14:10:16 22 reaching out to try to obtain their business. So let
14:10:20 23 me see if I can get that up here. Okay. So this is
14:10:26 24 I hope this is the correct one. Hang on a second.

14:10:31 25 It looked like there was part of an e-mail

—RICHARD SZABO—

50

14:10:34 1 that was sent where you wrote to Mr. Fetter -- hang
14:10:40 2 on a second -- this is on Page 300 of the Bate stamp,
14:10:44 3 about potential customers.

14:10:49 4 Okay. So here is what, back in March of
14:10:52 5 2018, it looks like you are writing to Mr. Fetter
14:10:56 6 about local customers in here and you state at the
14:11:02 7 end of it, if I'm reading this correctly, they are
14:11:05 8 both extremely interested in our calibration services
14:11:09 9 and I have verbally requested quotes. Do you recall
14:11:11 10 this e-mail you sent to Mr. Fetter about two
14:11:16 11 customers which appear to be Bishop Lifting and Core
14:11:21 12 Lifting, do you recall those individuals?

14:11:22 13 A I recall the customers, because I -- yeah,
14:11:32 14 I recall the customers, yes, sir.

14:11:33 15 Q And were you trying to get their business
14:11:36 16 to come into Muncy Industries at that point?

14:11:44 17 A They may have already been. I think I
14:11:49 18 remember calibrating for Core Lifting already. I
14:11:55 19 think they were already a customer, but --

14:11:55 20 Q Well, it looks like they're a customer, but
14:11:57 21 they're not calibration services customers; is that a
14:12:01 22 fair statement at this point?

14:12:01 23 A No, I believe I actually calibrated their
14:12:07 24 test bed.

14:12:11 25 Q Well, if you look at this e-mail, it says

—RICHARD SZABO—

51

14:12:14 1 quote They are both extremely interested in our
14:12:17 2 calibration services and have verbally requested
14:12:22 3 quotes, end quote. Am I reading that statement
14:12:24 4 correctly?

14:12:24 5 A Sure.

14:12:25 6 Q And did you -- did you start calibrating
14:12:28 7 for these people after you gave them the quotes, that
14:12:33 8 is Core Lifting and Bishop Lifting?

14:12:35 9 A After Muncy gave them quotes. I didn't
14:12:41 10 myself. But, yeah, it's possible that's the time
14:12:44 11 frame that I calibrated after this.

14:12:48 12 Q Okay. And it looks like did you -- did you
14:12:51 13 solicit them while you were there with them for the
14:12:53 14 calibration services?

14:12:54 15 A I could have, yes, sir.

14:13:01 16 Q Okay. So, I mean --

14:13:06 17 A It's so long ago, I don't remember any
14:13:07 18 specific instances.

14:13:08 19 Q It's correct to say, Mr. Szabo, that when
14:13:11 20 you worked for Muncy Industries you got some new
14:13:13 21 customers for them, correct, for calibration
14:13:17 22 services?

14:13:17 23 A Yes, that's correct.

14:13:18 24 Q And at one point did you offer to
14:13:22 25 Jason Fetter or Muncy Industries to reach out to

—RICHARD SZABO—

52

14:13:25 1 Roberts customers, your former employer?

14:13:28 2 A I'm thinking, there may have been some talk
14:13:40 3 through me and Mr. Fetter throughout my employment
14:13:41 4 about reaching out to Roberts customers, that's
14:13:44 5 correct. I would say so.

14:13:46 6 Q Did you ever reach out to Roberts customers
14:13:48 7 on behalf of Muncy Industries to try and get their
14:13:51 8 business?

14:13:51 9 A It's possible.

14:13:56 10 Q So if I understood your question, you're
14:13:59 11 saying that you may have done that?

14:14:02 12 A I may have.

14:14:03 13 Q By the way, when you were working at
14:14:06 14 Roberts, were you salaried there or were you an
14:14:09 15 hourly employee?

14:14:09 16 A I was hourly.

14:14:11 17 Q Okay.

14:14:16 18 A Hourly with overtime.

14:14:18 19 Q Okay. Did you get paid any travel time
14:14:20 20 when you worked at Roberts?

14:14:21 21 A Sometimes.

14:14:26 22 Q When you say "sometimes," when would you
14:14:30 23 get paid and when would you not get paid?

14:14:33 24 A Usually if I had -- [Zoom unintelligible],
14:14:43 25 Sunday [Zoom unintelligible] -- kind.

—RICHARD SZABO—

53

14:14:47 1 Q Yeah, you're breaking up, so we're not
14:14:49 2 getting your answer to that one.

14:14:50 3 A I'll have to do it.

14:14:52 4 Q Hang on a second, Mr. Szabo, you're
14:14:54 5 breaking up, so let's go -- I want to get out of
14:14:57 6 Share screen. Let's go back to the question. The
14:14:59 7 question was you said sometimes for travel time you
14:15:01 8 got paid and I asked you when did you get paid and
14:15:04 9 when did you not get paid and when you tried to
14:15:07 10 answer you broke up, so if you could answer that
14:15:09 11 again.

14:15:10 12 A Oh, I just said sometimes that I would
14:15:14 13 travel maybe on a Sunday and -- [Zoom freezes up] --
14:15:23 14 it was maybe once still.

14:15:27 15 Q Yeah, well, you broke up again, we'll have
14:15:29 16 to do that again.

14:15:44 17 (Answer read back by stenographer.)

14:15:45 18 A Yes, that's it. That's exactly how I said
14:15:48 19 it.

14:15:48 20 BY MR. STAPP:

14:15:48 21 Q So you only got paid one time for travel?

14:15:51 22 A Yeah, and that may, that's just a very
14:15:54 23 cloudy memory.

14:15:55 24 Q Okay. So Megan Delahoussaye had testified
14:16:04 25 at her deposition that it was your choice to travel

—RICHARD SZABO—

54

14:16:08 1 when you did and then that you could have traveled
14:16:11 2 during work hours if you wanted to. Do you agree or
14:16:13 3 disagree with her statement?

14:16:15 4 A I disagree. That's a repeat question.
14:16:26 5 (Court reporter clarification.)

14:16:28 6 BY MR. STAPP:

14:16:29 7 Q Megan had also testified that you exercised
14:16:32 8 judgment -- or exercised discretion and sound
14:16:36 9 judgment in your position at Muncy Industries as a
14:16:39 10 calibration technician. Do you agree or disagree
14:16:42 11 with that statement?

14:16:43 12 A I agree. I just don't understand. I don't
14:16:55 13 know. Can you rephrase it somehow? I'm not sure I
14:16:57 14 understand what the question means and I do
14:16:59 15 apologize.

14:17:00 16 Q Well, the question is did you exercise
14:17:03 17 discretion and sound judgment in your employment at
14:17:05 18 Muncy Industries as a calibration technician?

14:17:08 19 A Sure.

14:17:10 20 Q Megan had also said that to do the
14:17:17 21 calibrations you had to be certified; is that right?

14:17:19 22 A Yes.

14:17:22 23 Q And she said that, I guess, you were part
14:17:26 24 of that, helping people get certified to do the
14:17:29 25 calibrations; is that right?

~~RICHARD SZABO~~

55

14:17:31 1 A Yes.

14:17:33 2 Q And was Mr. Fetter one of those people you
14:17:38 3 helped get certified?

14:17:39 4 A I'm not certain.

14:17:40 5 Q How about William Croy?

14:17:44 6 A Yes, sir.

14:17:44 7 Q Okay. So Megan had testified that in her
14:17:48 8 recollection it took about three to six months of
14:17:51 9 training to pass the exam. Can you just help me
14:17:55 10 understand what she meant when she said that; do you
14:17:57 11 know what she's talking about?

14:17:58 12 A Yeah, there's a written test that I created
14:18:05 13 as part of the program that to finally you had to do
14:18:08 14 two parts. You had to do a hands-on test and you had
14:18:11 15 to do a written exam. And yes, it -- the time that
14:18:17 16 it took to do such, it was just definitely up to the
14:18:21 17 person being trained and how well they, you know, you
14:18:26 18 how well they adapted and learned it.

14:18:29 19 Q And did it take the individuals three to
14:18:31 20 six months of training to be able to pass the exam?

14:18:34 21 A Maybe three. I don't know that I've had
14:18:42 22 anyone ever go longer than that. Ms. Crappell
14:18:46 23 actually did it in a couple weeks.

14:18:47 24 Q You, if I understand you correctly, the
14:18:49 25 certification process, you created the test and the

RICHARD SZABO

56

14:18:52 1 hands-on exam for them to take?

14:18:55 2 A I did.

14:18:56 3 Q And how did you know how to do that, how to
14:19:00 4 create the test and the hands-on examination?

14:19:02 5 A I didn't, actually. I just, intuition, I
14:19:12 6 guess, you know, no one had to tell me, I just knew
14:19:16 7 what had to be done. That's the best way I can
14:19:20 8 answer.

14:19:20 9 Q Well, who issues the certification, you did
14:19:22 10 or the state or the government; who does that?

14:19:25 11 A We did at Muncy, but Muncy has to be
14:19:32 12 certified as an accredited laboratory before we can
14:19:38 13 say, yadda, yadda is certified to do calibration. We
14:19:44 14 have to be accredited and we have to follow ISO. So
14:19:47 15 the company itself, Muncy, has to be sound with two
14:19:59 16 agencies, I guess, or two -- they have to be ISO
14:20:03 17 certified and they have to be HOLA accredited before
14:20:07 18 me or someone could certify someone.

14:20:10 19 Q And who is the one -- I'm sorry, I didn't
14:20:13 20 mean to interrupt you. Who is the one responsible
14:20:14 21 for the ISO certification, who issues that
14:20:17 22 certification?

14:20:17 23 A If you just get registered with I think
14:20:27 24 it's with NIST, National Institute Standards in
14:20:32 25 Testing, yeah, NIST.

~~RICHARD SZABO~~

57

14:20:34 1 Q Okay. And is that just a private
14:20:36 2 organization or is that part of the federal
14:20:38 3 government; do you know?

14:20:39 4 A That's a federal, to the best of my
14:20:42 5 knowledge. It's, yeah, I don't know the actual
14:20:46 6 answer to that.

14:20:47 7 Q Okay. And when you were doing the training
14:20:51 8 of Ms. Crappell and Mr. Croy to prepare them to do
14:20:55 9 your test and exam, I assume you were supervising
14:21:00 10 them during that training process, correct?

14:21:01 11 A Was I a supervisor during the training
14:21:11 12 process of Shandi and William?

14:21:14 13 Q That's not my question, sir. My question
14:21:17 14 was did you supervise Shandi Crappell and
14:21:20 15 William Croy when you were training them for the
14:21:23 16 written test and the hands-on exam?

14:21:25 17 A I really don't know how to answer that.
14:21:37 18 No. I would say no.

14:21:38 19 Q Okay. Who was supervising Ms. Crappell and
14:21:43 20 Mr. Croy while they were learning how to do the tasks
14:21:46 21 to take the written test and hands-on exam?

14:21:48 22 A Well, they were directly under
14:21:51 23 Jason Fetter.

14:21:51 24 Q Okay. And was Mr. Fetter there doing the
14:21:56 25 supervision while they were learning tasks to take

—RICHARD SZABO—

58

14:21:58 1 the written test and hands-on exam?

14:22:00 2 A No, sir, he wasn't. Well, it was different
14:22:05 3 for each employee. So may I address that?

14:22:10 4 Q Well, yeah, I need to understand how he's
14:22:11 5 supervising when he wasn't there, so if you can
14:22:15 6 explain that to me, that would be helpful.

14:22:17 7 A Well, we had a supervisor above me that was
14:22:20 8 there. My name is John Lisonring, he was the plant
14:22:24 9 manager and he was our supervisor when Jason was not
14:22:26 10 there.

14:22:27 11 Q Okay. And did Mr. Lisonring supervise
14:22:31 12 Shandi Crappell and William Croy while they were
14:22:33 13 learning how to take the written test and the
14:22:36 14 hands-on exam?

14:22:36 15 A I'm pretty sure that William Croy was there
14:22:43 16 for John, but John left us. John quit and went on to
14:22:48 17 do other things, so I think when Shandi came he was
14:22:51 18 not there.

14:22:52 19 Q Okay. So who was supervising Shandi?

14:22:56 20 A That was Shandi. Shandi would have been --
14:22:56 21 (Court reporter clarification.)

14:23:05 22 A Can you please ask the question? I
14:23:06 23 apologize.

14:23:06 24 Q Who was supervising Shandi then?

14:23:09 25 A Oh, that would have been Megan. Even

—RICHARD SZABO—

59

14:23:13 1 myself was under Megan.

14:23:15 2 Q Okay. So if I understand you correctly,
14:23:17 3 Megan Delahoussaye was the one supervising
14:23:22 4 Shandi Crappell while she was learning how to do the
14:23:25 5 written test and hands-on exam you created; is that
14:23:27 6 right?

14:23:27 7 A That is absolutely true.

14:23:29 8 Q Okay. So Megan was the one teaching them
14:23:33 9 how to do to get prepared for the hands-on exam and
14:23:37 10 the written test; is that right?

14:23:38 11 A That is not true. That was me.

14:23:42 12 Q Okay. So if you're the one telling them
14:23:45 13 how to do it, aren't you the one supervising them?

14:23:48 14 A Nope.

14:23:50 15 Q Okay. So just so I understand your
14:23:52 16 answer --

14:23:53 17 A You got -- you have to understand how it
14:23:55 18 was with Muncy. You couldn't do anything without
14:24:00 19 Jason telling Megan and then Megan coming to tell you
14:24:05 20 or control whatever it is you're doing. I had no,
14:24:10 21 zero, supervisory capabilities.

14:24:12 22 Q Okay.

14:24:12 23 A Yeah, I stood there and watched her, yes, I
14:24:15 24 stood there and made sure that she did the job
14:24:18 25 correct. But I was not a supervisor in any shape or

—RICHARD SZABO—

60

14:24:22 1 form.

14:24:22 2 Q Okay. But, sir, if you are teaching the
14:24:26 3 employee how to do the task and you're watching them
14:24:29 4 while they are doing it to make sure they're doing it
14:24:32 5 correctly, isn't that the very definition of
14:24:34 6 supervision?

14:24:36 7 A I'm not sure what the definition of
14:24:39 8 supervision is.

14:24:40 9 Q Okay. Let's talk about it, right. So if I
14:24:43 10 have a cookie factory tonight and I'm going teach the
14:24:47 11 kids at home how to make chocolate chip cookies,
14:24:52 12 right? And I said tonight you guys we're going to
14:24:55 13 learn how to make chocolate chip cookies. If I'm
14:24:59 14 there in the kitchen with the kids while we're
14:25:02 15 teaching them chocolate chip cookies and I'm showing
14:25:03 16 them how to make the dough, how to put the chocolate
14:25:06 17 chips in the cookie and then how to get them on the
14:25:07 18 pan and bake those cookies until they're done
14:25:10 19 properly, would you agree in that scenario, I'm
14:25:14 20 supervising them making chocolate chip cookies?

14:25:16 21 A You are teaching them. I don't agree.

14:25:18 22 Q Okay. So --

14:25:20 23 A You're teaching them how to do this
14:25:22 24 properly. You're a teacher.

14:25:24 25 Q Okay. Well, let's change it, right, now

—RICHARD SZABO—

61

14:25:26 1 let's --

14:25:27 2 A You're not a supervisor.

14:25:28 3 Q -- let's say a kid starts to put his hand
14:25:30 4 in the 400 degree oven while I'm there doing the
14:25:36 5 cookies. Do you believe that I should tell that
14:25:39 6 child before they put their hand in the hot oven,
14:25:41 7 don't touch the oven or not at that point? what
14:25:43 8 would you suggest that I do?

14:25:45 9 A well absolutely, you should. what does
14:25:48 10 that have to do with the --

14:25:50 11 Q well, if I'm helping somebody avoid getting
14:25:52 12 hurt and watching them while they perform a task to
14:25:55 13 make sure they do it correctly, isn't that what the
14:25:58 14 definition of supervision is?

14:26:01 15 A You are teaching them right from wrong.
14:26:05 16 Again, that's not the definition. No, I disagree.
14:26:08 17 That's not the definition of supervisory.

14:26:11 18 Q okay. well, let me ask you this, if
14:26:13 19 Shandi Crappell had started to do something as a
14:26:17 20 calibration technician that was going put herself or
14:26:20 21 others in danger while she was performing the task
14:26:23 22 and you were watching her, did you tell her please
14:26:26 23 don't do that?

14:26:30 24 A No. It never happened.

14:26:32 25 Q If it had happened, where she was putting

—RICHARD SZABO—

62

14:26:34 1 herself at risk of something breaking or dropping a
14:26:37 2 heavy weight, would you have told her, please don't
14:26:39 3 do that?

14:26:43 4 A If that had happened.

14:26:45 5 Q Okay. You wouldn't have let her just have
14:26:46 6 the machine break or drop a heavy weight, correct?

14:26:50 7 A Oh gosh, no.

14:26:52 8 Q Okay. And you're doing that because you're
14:26:56 9 supervising, watching over to make sure that she does
14:26:58 10 it correctly, right?

14:26:59 11 A I wouldn't call it supervision.

14:27:05 12 Q What would you call it?

14:27:07 13 A I'm just not going to agree with you.

14:27:09 14 Q What would you call it?

14:27:10 15 A We can stop this right now. I was not a
14:27:11 16 supervisor. I know where this is leading.

14:27:14 17 Q Well, let's be clear, because --

14:27:15 18 A I'm not a supervisor.

14:27:16 19 Q Because if Shandi Crappell had done
14:27:19 20 something where she was putting herself and others at
14:27:22 21 risk and you would have stepped in to stop it, you
14:27:25 22 would agree with me that's not part of the training
14:27:27 23 process, right?

14:27:30 24 MS. KRAMER: Greg, I think we've already
14:27:31 25 went over all this.

~~RICHARD SZABO~~

63

14:27:32 1 A Anybody can step in.

14:27:34 2 MS. KRAMER: Ric, let's me talk. If
14:27:38 3 someone wants, I was going to say put yourself out
14:27:39 4 there, that's not supervising. I think we've covered
14:27:41 5 the whole supervisor risk training issue here.

14:27:45 6 BY MR. STAPP:

14:27:48 7 Q Megan Delahoussaye had said that she tried
14:27:49 8 to schedule you at Muncy in a way that you were in
14:27:54 9 the office every other week. Do you agree or
14:27:58 10 disagree with that testimony?

14:28:00 11 A I disagree. I've never even heard that.
14:28:09 12 This is the first time I've ever heard anything like
14:28:11 13 that.

14:28:11 14 Q Okay. But it looks like from the earlier
14:28:16 15 documents you reviewed that whenever the time card
14:28:18 16 was punched, that was you at Muncy Industries in
14:28:22 17 Louisiana, correct?

14:28:23 18 A That is correct.

14:28:28 19 Q And, Mr. Szabo, you agree that you quit
14:28:44 20 your employment with Muncy Industries, correct?

14:28:47 21 A That's correct.

14:28:51 22 Q And when you quit your employment with
14:28:53 23 Muncy and you turned in that laptop, you had deleted
14:28:59 24 information from that laptop, correct?

14:29:00 25 A That has nothing do with this case. I'm

~~RICHARD SZABO~~

64

14:29:05 1 sorry I answered it in that manner.

14:29:08 2 Q When you quit Muncy Industries and you
14:29:11 3 turned in your laptop, you had deleted information
14:29:14 4 from the laptop before you turned it in, correct?

14:29:17 5 A (No response.)

14:29:24 6 MS. KRAMER: Ric, you got to answer.

14:29:28 7 A Okay. I turned in a laptop, whereas I
14:29:35 8 removed my e-mails from that laptop. There was
14:29:40 9 information removed, yes. I don't understand what
14:29:43 10 that has to do with this case.

14:29:46 11 BY MR. STAPP:

14:29:47 12 Q And I don't want to go over the document
14:29:50 13 again because you and I talked about it before, so
14:29:52 14 I'm just going to show you what was previously marked
14:29:57 15 Szabo 1 exhibit from the deposition in the state
14:30:00 16 court action, that is the July 22nd, 2020, e-mail
14:30:05 17 from the e-mail address rckid1973@gmail.com. So
14:30:11 18 you've seen this before. Do you recall that e-mail
14:30:13 19 that you sent, Mr. Szabo?

14:30:20 20 A Yes, I recall that e-mail. That's a
14:30:23 21 different case. What does that have to do with this
14:30:26 22 case? I think I have the right to ask that question.

14:30:29 23 Q And when you left Muncy Industries, you
14:30:32 24 went to work for one of their competitors,
14:30:36 25 Chant Engineering within a week or two, correct?

~~RICHARD SZABO~~

65

14:30:38 1 MS. KRAMER: All right, Greg, I think where
14:30:41 2 he went work after, I'm not sure that's relevant
14:30:42 3 because we're talking about how he's classified while
14:30:46 4 living and working in Muncy, not after another
14:30:48 5 employer.

14:30:49 6 MR. STAPP: Okay.

14:30:49 7 BY MR. STAPP:

14:30:49 8 Q I mean, I'm just asking a simple question,
14:30:50 9 you went to work for a competitor shortly after
14:30:53 10 leaving Muncy Industries?

14:30:55 11 A That's a state case. Man, that's a
14:30:57 12 different case. It has nothing to do with my
14:30:59 13 overtime time and lost wages. Zero.

14:31:04 14 Q Sir, if I understand the e-mail in the
14:31:08 15 other case, you sent that e-mail shortly after
14:31:11 16 leaving Muncy Industries to Muncy Industries'
14:31:13 17 customers, correct?

14:31:24 18 MS. KRAMER: If you want to disclose this
14:31:26 19 on the record and let me know where you're going with
14:31:30 20 these. Can you do that?

14:31:31 21 MR. STAPP: Yeah, I've only got one or two
14:31:32 22 more questions.

14:31:32 23 BY MR. STAPP:

14:31:33 24 Q I'm just asking the question related after
14:31:35 25 you left Muncy Industries, you sent the e-mail that

—RICHARD SZABO—

66

14:31:36 1 was previously marked Szabo Exhibit Number 1 to Muncy
14:31:39 2 customers, correct?

14:31:41 3 A I sent an e-mail to possibly previous Muncy
14:31:51 4 customers. That was a different thing.

14:31:57 5 Q okay. Just so I understand what you're
14:32:01 6 asking for today, my question to you is after
14:32:05 7 quitting Muncy Industries and returning a laptop with
14:32:10 8 deleted information and working for a competitor and
14:32:14 9 then sending e-mails to Muncy customers in which you
14:32:17 10 advised them about concerns about their calibration
14:32:20 11 program, do you still believe that Muncy Industries
14:32:24 12 owes you money?

14:32:24 13 A Yes, I believe. I believe I deserve simple
14:32:36 14 lost wages from the time I worked outside of the
14:32:40 15 40 hours.

14:32:41 16 Q what is it you believe you are owed, sir?

14:32:43 17 A At least 15,000 per year that I was
14:32:52 18 employed.

14:32:53 19 Q why do you believe you are owed an
14:32:55 20 additional \$15,000, besides the moving expenses and
14:33:00 21 the laptop and the cell phone and the car and the
14:33:03 22 salaries and the bonuses?

14:33:08 23 A Because none of that stuff that you
14:33:13 24 mention, regardless of my situation, other employees
14:33:20 25 had company cell phones, okay, number one.

—RICHARD SZABO—

67

14:33:23 1 Number two, there wasn't any favor for me.

14:33:26 2 Number three, the pay was all policy. That's just
14:33:35 3 company policy, the credit card and all that. There
14:33:36 4 were others employees with company credit cards that
14:33:39 5 traveled. You make it look like they were doing me
14:33:41 6 favors, but that was company policy to be given a
14:33:43 7 credit card if you traveled, to have a cell phone,
14:33:47 8 and to be given a computer, all that. That had
14:33:52 9 nothing to do with providing me with anything extra
14:33:55 10 than what I was paid, other than the bonuses. The
14:33:59 11 bonuses I was grateful for.

14:34:01 12 The car, that was an agreement. He told me
14:34:04 13 he was going to get me a car when I got hired. There
14:34:09 14 was another engineer and William Croy, they both got
14:34:13 15 cars. They both got cars. They got brand-new cars.
14:34:16 16 So don't try to make it as they did me a favor by
14:34:20 17 buying me a car. They didn't.

14:34:22 18 Q And, sir, I mean, even after sending the
14:34:28 19 e-mail at the request of Mr. Chant and his other
14:34:30 20 staff members, do you still feel like Muncy
14:34:33 21 Industries owes you money?

14:34:36 22 A Yes, I do. It's just the law, man. If I
14:34:42 23 am miscategorized as an employee, which I feel I was,
14:34:47 24 I was mislabeled and paid improperly. That's the
14:34:53 25 law. That's the labor law, man. I can't recite it,

~~RICHARD SZABO~~

68

14:34:56 1 but I should be getting what I should have been paid.

14:34:56 2 Q And all --

14:35:00 3 A That's just it.

14:35:01 4 Q And all of that you just said about being

14:35:05 5 mischaracterized or that you're owed money, you

14:35:08 6 didn't know any of that until you spoke with

14:35:09 7 Mr. Chant, correct?

14:35:10 8 A That's irrelevant, whether I do or not.

14:35:15 9 I'm grateful that I know it now. I'm grateful that

14:35:19 10 someone stepped up and told me. Otherwise, I would

14:35:22 11 have been completely taken advantage of.

14:35:24 12 Q And the person that stepped up and told you

14:35:25 13 that was Philip Chant, correct?

14:35:28 14 A That's how it initiated, yes.

14:35:30 15 Q And, sir, as you are working now at Chant,

14:35:36 16 you're doing work for former Muncy Industry

14:35:40 17 customers, correct?

14:35:40 18 A Repeat the question.

14:35:44 19 Q You're doing --

14:35:45 20 MS. KRAMER: You don't need to repeat it.

14:35:47 21 Greg, I don't think that's relevant and I don't want

14:35:50 22 any indications on any other cases that may be out

14:35:53 23 there if someone happens to be associated. So I just

14:35:56 24 don't think he needs to talk about his current work.

14:35:59 25 MR. STAPP: I think it's relevant because

—RICHARD SZABO—

69

14:36:00 1 he's testified today that the only reason he even
14:36:02 2 filed this lawsuit is because of Mr. Chant, so if
14:36:04 3 he's doing work for former Muncy customers for
14:36:07 4 Mr. Chant too I think that's relevant, so --

14:36:07 5 MS. KRAMER: I --

14:36:11 6 MR. STAPP: Because of his testimony.

14:36:13 7 (Court reporter clarification.)

14:36:16 8 A I'd actually like to answer that.

14:36:19 9 THE WITNESS: May I answer that, Miss Mary?

14:36:23 10 MS. KRAMER: I don't think you should. I
14:36:26 11 don't think you need to answer that.

14:36:27 12 THE WITNESS: All right, all right.

14:36:28 13 MR. STAPP: Well, I mean we can ask the
14:36:30 14 judge to weigh in on it, but I mean, I think he's
14:36:33 15 already said the only reason he's filed the lawsuit
14:36:36 16 is because of Philip Chant, so I want to know is he
14:36:37 17 also doing work for Muncy customers while working for
14:36:41 18 Philip Chant. I think that's relevant to the case.

14:36:43 19 MS. KRAMER: Greg, all right.

14:36:45 20 BY MR. STAPP:

14:36:46 21 Q Are you, since you been at Chant
14:36:48 22 Engineering, are you doing work for Muncy Industries'
14:36:50 23 customers?

14:36:51 24 A I don't know if I am or not. They're not
14:36:58 25 Muncy Industries customers. They are Chant

~~RICHARD SZABO~~

70

14:37:01 1 customers. We don't calibrate any Muncy. I don't --
14:37:05 2 that question doesn't make any sense.

14:37:07 3 Q Are you familiar with the company called
14:37:10 4 Golf America?

14:37:13 5 A Golf America?

14:37:15 6 Q Yes.

14:37:16 7 A Yeah, I know who they are.

14:37:17 8 Q Okay. And are you aware that someone from
14:37:20 9 the Chant Engineering did work at Golf America on
14:37:23 10 December 20th of 2021?

14:37:30 11 A Yeah, I am aware of that actually.

14:37:32 12 Q I'll just show you a picture if I can,
14:37:35 13 we'll see if I share the screen here.

14:37:42 14 A Again, this, I'm sorry, this should be
14:37:45 15 going into the state case. That is not relevant to
14:37:47 16 this case.

14:37:48 17 Q Well, I asked the question about the
14:37:49 18 customers. I'm just trying to get clarification.
14:37:52 19 This is a picture from --

14:37:53 20 MS. KRAMER: Greg, I think we'll need to
14:37:57 21 revisit if --

14:37:57 22 THE WITNESS: We have to do all this?

14:37:57 23 MS. KRAMER: -- if we're going to just keep
14:37:58 24 talking about customers for now, about the customers,
14:38:00 25 the customers can't come up.

—RICHARD SZABO—

71

14:38:04 1 MR. STAPP: Well, I'm just asking -- well,
14:38:05 2 let me ask this question and you don't have to
14:38:07 3 comment on the picture.

14:38:07 4 BY MR. STAPP:

14:38:08 5 Q Was Golf America a customer of Muncy
14:38:11 6 Industries when you worked for them?

14:38:15 7 A Well, I can't recall. I can't recall who
14:38:19 8 was customers and who wasn't. We talked about this
14:38:26 9 in the other case. Same answer then, same answer
14:38:30 10 now: I can't recall.

14:38:37 11 Q Are you aware that Chant Engineering
14:38:39 12 is doing work for some of the customers that
14:38:42 13 you did work for while you were employed with
14:38:43 14 Muncy Industries?

14:38:48 15 A Can you repeat it one more time, please?

14:38:52 16 Q Are you aware that Chant Engineering is
14:38:55 17 doing work for customers that you did work for while
14:38:57 18 you were employed with Muncy Industries?

14:39:03 19 A We could be. I mean maybe.

14:39:09 20 Q When you were working for Muncy Industries
14:39:18 21 as an employee, did you have to get approval from
14:39:21 22 Jason or Kimberly Bunting to stay longer at a
14:39:24 23 customer's site?

14:39:25 24 A Yes.

14:39:31 25 Q Did other calibrations -- did other

~~RICHARD SZABO~~

72

14:39:41 1 calibrations [sic] at Muncy Industries travel on
14:39:44 2 weekends other than yourself?

14:39:46 3 A Did other calibration technicians?

14:39:54 4 Q Yeah, of Muncy Industries travel on the
14:39:57 5 weekends?

14:39:57 6 A You broke up right there. I do apologize.
14:40:00 7 Yes.

14:40:02 8 Q And did other calibration technicians at
14:40:06 9 Muncy's work overtime?

14:40:07 10 A They did not. Well, could I rephrase it.
14:40:14 11 Can I answer that differently?

14:40:16 12 Q Go ahead.

14:40:17 13 A What do you mean? What do you mean, were
14:40:20 14 they paid overtime or did they just work overtime?

14:40:22 15 Q My question was did other calibration
14:40:25 16 technicians at Muncy work overtime?

14:40:27 17 A Yes.

14:40:29 18 Q And who were those individuals that worked
14:40:32 19 overtime and traveled on the weekend as calibration
14:40:34 20 technicians?

14:40:35 21 A Shandi Crappell, William Croy. I don't
14:40:45 22 remember the last name of the guy, but he was one of
14:40:47 23 the engineers, his name was Alex. You may refer to
14:40:53 24 Mr. Fetter on the last name for that.

14:40:56 25 Q Okay. And do you know whether anybody

—RICHARD SZABO—

73

14:41:05 1 other than Ms. Crappell has filed any type of
14:41:09 2 lawsuit for wages, Mr. Croy or Alex, anyone of that
14:41:14 3 nature?

14:41:14 4 A I'm not aware of anyone else.

14:41:17 5 Q Okay.

14:41:32 6 MR. STAPP: Is it -- let's take a -- and
14:41:33 7 I'm almost done, can I take a short break? I just
14:41:36 8 want to look through one other or two other documents
14:41:38 9 and then if we take like five or ten minutes just to
14:41:41 10 come back and I don't know if I'll have any other
14:41:42 11 questions or not, but let me just look at those
14:41:44 12 documents really quickly and then I'll come back, if
14:41:48 13 that's okay with everybody. Just a short break.

14:41:49 14 MS. KRAMER: That is fine, Greg.

14:41:52 15 MR. STAPP: All right. We'll take a quick
14:41:54 16 break here, thanks.

14:47:08 17 (Recess.)

14:47:08 18 MS. KRAMER: Greg, I don't know where he
14:47:11 19 went. I thought he would be back by now, so I'll
14:47:14 20 give him a call.

14:47:21 21 (Discussion held off record.)

14:47:21 22 BY MR. STAPP:

14:50:33 23 Q Can you hear me, Mr. Szabo?

14:50:35 24 A Yes, sir.

14:50:36 25 Q All right. We'll go back on the record.

~~RICHARD SZABO~~

74

14:50:39 1 So I'm looking at the Complaint and some of the
14:50:41 2 discovery we sent I just want to understand about
14:50:44 3 what you're asking for here.

14:50:47 4 Your Complaint indicates in Paragraphs 20
14:50:53 5 and 21, that you would work sometimes 60 to 80 hours
14:50:57 6 a week and/or 87 hours and 45 minutes, I'm looking at
14:51:08 7 Paragraph 22. Do you have any documentation that
14:51:10 8 establishes that you worked over 40 hours a week for
14:51:13 9 Muncy Industries?

14:51:14 10 A I have some documentation that I've
14:51:21 11 provided to Ms. Kramer.

14:51:22 12 Q Okay.

14:51:23 13 MR. STAPP: Because we had sent a request
14:51:25 14 for production, I'm not sure that we ever got that.
14:51:28 15 We asked for Request Number 2, any and all wage
14:51:31 16 records or documentation and we got an objection and
14:51:34 17 I don't know that I've ever gotten that. So if you
14:51:36 18 can get me that, Mary, if you have anything from him
14:51:39 19 at all, I would like to see it.

14:51:41 20 (Request made on record by Attorney Stapp.)

14:51:41 21 MS. KRAMER: Yeah, I think I didn't provide
14:51:43 22 what he sent because it was something he created
14:51:45 23 himself for me to review. But was that what you were
14:51:50 24 talking about, Ric?

14:51:52 25 THE WITNESS: Yeah, it was something that I

—RICHARD SZABO—

75

14:51:55 1 provided to you. It wasn't asked, that I know of, to
14:51:58 2 provide to Mr. Stapp. I apologize. Maybe I
14:52:01 3 misunderstood the question.

14:52:01 4 BY MR. STAPP:

14:52:03 5 Q Well, so what I'm asking you for is if you
14:52:05 6 hear the question it's any and all wage records or
14:52:08 7 documentation. Now that would include if you were
14:52:10 8 keeping a handwritten note. Were you keeping a diary
14:52:13 9 or note of the hours that you worked for Muncy
14:52:16 10 Industries while you worked for them?

14:52:18 11 A There were sometimes, I do admit that I did
14:52:23 12 keep notes, but I don't -- I couldn't produce them at
14:52:27 13 this time.

14:52:27 14 Q So do you have those, is my question? You
14:52:29 15 don't have them anymore?

14:52:31 16 A I do not. I'm sorry.

14:52:32 17 Q So I mean I'm not -- I don't want to get
14:52:35 18 into an evidentiary debate if you were asked to
14:52:38 19 create some kind of a formula for Ms. Kramer, as your
14:52:40 20 counsel. My question to you is, sir, first, let's
14:52:44 21 break them down. Do you have any wage records from
14:52:46 22 Muncy Industries? Any kind of pay stubs, anything
14:52:49 23 that you have that shows your work hours or what you
14:52:52 24 were paid?

14:52:53 25 A I do not. At the time I worked, I guess I

—RICHARD SZABO—

76

14:52:59 1 was pretty negligent about paying attention to it.

14:53:02 2 I've never produced -- it was all online, so I never

14:53:07 3 even got a check stub. I mean we were given online

14:53:10 4 access to that stuff, but I never. I apologize.

14:53:13 5 Q But you don't have any of that, correct?

14:53:15 6 A I do not.

14:53:17 7 Q And then Request Number 4 talks about what

14:53:20 8 I'm kind of asking you, which is did you keep a

14:53:24 9 handbook, like a notepad, a memoranda, a diary of any

14:53:28 10 kind while you worked for Muncy Industries about your

14:53:30 11 work there?

14:53:34 12 A There was a handbook that we -- I kept a

14:53:38 13 fair amount of time, yes.

14:53:40 14 Q And what would you make notes of in that?

14:53:44 15 A Well, I didn't make any notes. I'm sorry,

14:53:49 16 maybe I misunderstood. I thought your question was

14:53:51 17 did I have -- did I have any of these documents, yes,

14:53:55 18 I had a handbook.

14:53:56 19 Q Okay. That handbook is something you

14:53:57 20 created or you mean the one that Muncy gave you?

14:54:00 21 A Oh, no that's the Muncy handbook.

14:54:03 22 Q Do you have any handbook or note that you

14:54:04 23 made of any kind while you worked there about your

14:54:07 24 employment with Muncy Industries?

14:54:09 25 A Oh, no, sir.

—RICHARD SZABO—

77

14:54:11 1 Q Okay. Do you have any kind of
14:54:15 2 communications between yourself and anyone at
14:54:18 3 Muncy Industries, whether it's Mr. Fetter,
14:54:23 4 Ms. Bunting, Megan about your employment or the hours
14:54:24 5 you worked or your scheduling that you have in your
14:54:28 6 possession now, anything like that?

14:54:30 7 A I do have some e-mails between me and
14:54:36 8 Ms. Bunting in my possession.

14:54:38 9 Q Okay. Can you give those to your counsel
14:54:40 10 so she can provide those to me?

14:54:44 11 A I will certainly do that for her.

14:54:46 12 Q Okay.

14:54:48 13 (Request made on record by Attorney Stapp.)

14:54:48 14 BY MR. STAPP:

14:54:49 15 Q Anybody else other than Ms. Bunting or
14:54:51 16 yourself that you had e-mails between about your work
14:54:51 17 or your schedule?

14:54:55 18 A None that I can recall.

14:54:56 19 Q Okay.

14:54:57 20 A Sorry.

14:54:57 21 Q That's okay. Are there any other documents
14:55:05 22 that you have in your possession other than those
14:55:08 23 e-mails you just described to Ms. Bunting that would
14:55:10 24 establish your claim that you are trying to make here
14:55:12 25 that you believe you're owed wages, any documents?

~~RICHARD SZABO~~

78

14:55:19 1 A No, sir.

14:55:27 2 Q Okay. You don't have any time cards, time
14:55:30 3 sheets, time records of any kind; is that right?

14:55:32 4 A Not at this time.

14:55:35 5 Q How about any kind of W-2s? You mentioned
14:55:39 6 you had no pay stubs, do you have any of those tax
14:55:42 7 documentations?

14:55:42 8 A I could find them. I was pretty good about
14:55:46 9 keeping my tax stuff, yes.

14:55:48 10 Q Yeah, if you could get me the tax stuff for
14:55:50 11 the years that you worked Muncy Industries and get
14:55:52 12 those to your counsel that would be very good.

14:55:54 13 (Request made on record by Attorney Stapp.)

14:55:57 14 A Okay.

14:55:59 15 BY MR. STAPP:

14:56:18 16 Q So just so I understand, I mean when you
14:56:21 17 have in Paragraph 22 of your Complaint, and I'll read
14:56:24 18 it for you because I know you may not have it in
14:56:27 19 front of you. It says, Plaintiff Ric Szabo worked
14:56:31 20 approximately 87 hours and 45 minutes, but was not
14:56:35 21 compensated for all hours worked for over 40 hours or
14:56:40 22 at 1.5 times his regular rate of pay for all hours
14:56:42 23 worked over 40 hours, period closed quote.

14:56:45 24 So my question to you, sir, is where did
14:56:47 25 you come up with the "87 hours and 45 minutes?"

—RICHARD SZABO—

79

14:56:53 1 A Okay. I think I remember this, this was --
14:56:57 2 that Complaint and all was done by the previous
14:57:04 3 attorney. Her name was Pria and I gave her
14:57:09 4 documentations -- well, me and Shandi both gave her
14:57:12 5 documentation and trip information on a trip we took.
14:57:18 6 That was from a Sunday to a Saturday or a Sunday to a
14:57:22 7 Sunday, back in 2020, I can't remember the dates,
14:57:31 8 where we gave her the documentation and Ms. Pria
14:57:37 9 actually came up with the amount of hours based on
14:57:41 10 the documentation and the time that we traveled and
14:57:44 11 that is a true statement.

14:57:46 12 Q Okay. And that was your former attorney,
14:57:49 13 correct?

14:57:49 14 A That was the former attorney.

14:57:51 15 Q Okay, yeah.

14:57:52 16 A Before Ms. Kramer.

14:57:53 17 Q Okay. So this amount in Paragraph 22 came
14:58:00 18 from one trip you took. Do you remember where that
14:58:02 19 trip was to?

14:58:03 20 A Oh, I cannot recall. I went away up north
14:58:13 21 somewhere. We drove. We drove in a pickup truck, I
14:58:18 22 do remember that. It was me, Mr. Fetter,
14:58:20 23 Shandi Crappell, and William Croy, all four of us
14:58:24 24 together. Gosh, I don't remember where we went. It
14:58:29 25 was up north somewhere, Michigan or somewhere. We

—RICHARD SZABO—

80

14:58:34 1 split ways with him.

14:58:37 2 Q That does say at the beginning part of that
14:58:39 3 paragraph that was an example of a particular week.
14:58:42 4 But you're not saying today, sir, that you worked
14:58:45 5 87 hours and 45 minutes every week when you worked at
14:58:47 6 Muncy, correct?

14:58:48 7 A I'm not saying that.

14:58:51 8 Q Okay.

14:58:51 9 A Not every week.

14:58:52 10 Q Okay. And, I mean, how many hours you said
14:58:55 11 earlier today, \$15,000 a year that you think you are
14:58:59 12 owed. Now you're basing that on what? I mean, what
14:59:02 13 records do you have that you're saying I worked this
14:59:04 14 many extra hours?

14:59:05 15 A So I went back and I created my own chart
14:59:09 16 and I used what's called Google Timeline. I don't
14:59:14 17 know if you're familiar with it. But Google Maps
14:59:17 18 keeps a timeline if you choose to do so. I do. And
14:59:21 19 I could back go back to eight years if I wanted and
14:59:25 20 see exactly where I was, what date, what time, what
14:59:28 21 airport I went to, how long it took me to get there,
14:59:32 22 and I could do that for every single one of these
14:59:36 23 trips if I have to.

14:59:38 24 If I have to, then believe me, it's going
14:59:42 25 to come out to more than \$15,000. But I did one

~~RICHARD SZABO~~

81

14:59:46 1 month, I did one month using my Google Timeline for
14:59:49 2 trips with Jason, and based on that one month, I
14:59:54 3 calculated if I did that same routine for 12 months
14:59:59 4 of that year, it would have came up to about 19,000.
15:00:04 5 I'm only asking for 15, and that was only nine months
15:00:07 6 of charting.

15:00:08 7 Q What month and year was that, sir, if you
15:00:10 8 recall?

15:00:10 9 A It was my first year, 2018, and would have
15:00:18 10 been through end of March through April, I believe
15:00:22 11 was the month I did. It was the first month we
15:00:25 12 started traveling.

15:00:27 13 Q Okay. And you believe that the Google
15:00:31 14 Timeline will establish where you were for the whole
15:00:35 15 time you were employed at Muncy Industries?

15:00:38 16 A Absolutely.

15:00:39 17 Q Okay.

15:00:40 18 A One hundred percent.

15:00:41 19 Q And is it your contention that every trip
15:00:45 20 you took during the time you were employed from
15:00:48 21 January of '18 until 2020, was related to your
15:00:52 22 employment at Muncy Industries?

15:00:57 23 A Not every trip. There were trips where I
15:00:59 24 went to vacation with my sister and stuff like that.
15:01:04 25 But maybe once a year.

~~RICHARD SZABO~~

82

15:01:05 1 Q Okay. With regard to your Complaint that
15:01:13 2 you filed in this matter in federal court, did you
15:01:16 3 review that Complaint before it was filed by your
15:01:18 4 counsel?

15:01:22 5 A I did not review it in its entirety. It
15:01:31 6 was verbally and we're talking about Ms. Pria, right,
15:01:36 7 before Mary?

15:01:37 8 Q So I don't know who drafted it. I'm just
15:01:40 9 asking if the complaint that was filed in court on
15:01:42 10 March 16th of 2021, if you reviewed that Complaint
15:01:45 11 before it was filed?

15:01:46 12 A I would say yes.

15:01:57 13 Q Okay.

15:01:59 14 A It was sent to me. I believe I --

15:02:02 15 Q Did you review Paragraph 17, which reads as
15:02:05 16 follows quote, Throughout their employment,
15:02:10 17 Plaintiffs performed their jobs well, receiving
15:02:12 18 positive feedback and no justifiable discipline,
15:02:18 19 period end quote.

15:02:19 20 Did you review at that paragraph when you
15:02:20 21 reviewed your Complaint?

15:02:24 22 A I don't recall that paragraph, no, sir.

15:02:27 23 Q Okay. So you would agree with me that the
15:02:33 24 statement in Paragraph 17 is not correct, right?

15:02:36 25 A I didn't review it, so I don't know if it's

—RICHARD SZABO—

83

15:02:44 1 correct or not.

15:02:45 2 Q Well, question is this statement says you
15:02:47 3 received, it says "both Plaintiffs" that would be
15:02:49 4 referring to yourself, received no justifiable
15:02:51 5 discipline, but we've already covered today, I think,
15:02:54 6 in Exhibit Number 1, an Employee Warning Report where
15:02:57 7 you were disciplined at Muncy Industries, correct?

15:02:59 8 A Yes, that's correct.

15:03:06 9 Q And you would agree that that discipline,
15:03:09 10 that Warning Report you received that's marked
15:03:10 11 Exhibit Number 1, that was justifiable, correct?

15:03:12 12 A Yes.

15:03:14 13 Q And that exhibit we marked as Exhibit
15:03:26 14 Number 1 that was just a month or two before you left
15:03:29 15 employment with Muncy Industries, correct?

15:03:30 16 A Could have been, yes.

15:03:34 17 Q Okay. Give me one second, I apologize.
15:04:09 18 (Reviewing.)

15:04:15 19 I know you already testified, Mr. Szabo,
15:04:17 20 today about how this lawsuit came about, but I just
15:04:20 21 want to make sure that I'm asking all the questions I
15:04:23 22 need to. Have you ever filed, related to your
15:04:27 23 employment at Muncy Industries, any type of action or
15:04:30 24 complaint with the state, either the Commonwealth of
15:04:33 25 Pennsylvania or the Louisiana about your wages?

—RICHARD SZABO—

84

15:04:37 1 A I had not other than this.

15:04:39 2 Q Did you ever file any type of Complaint
15:04:44 3 against Muncy Industries in any type of state or
15:04:48 4 federal government, and I'm not talking about your
15:04:50 5 federal court case, I'm talking about some kind of,
15:04:52 6 you know, business action or if there's a consumer
15:04:57 7 protection agency, anything like that. Did you ever
15:04:59 8 file anything like that against Muncy Industries?

15:05:01 9 A No, sir.

15:05:02 10 Q Have you ever filed a Fair Labor Standards
15:05:11 11 Act Complaint before this one?

15:05:12 12 A No, sir.

15:05:14 13 Q Do you know -- and if you don't, that's
15:05:28 14 fine, sir, I'm just asking the question -- do you
15:05:31 15 know of any witnesses that you would intend to call
15:05:33 16 at trial in this matter at this point? Do you know
15:05:36 17 who you would like to call?

15:05:40 18 A Sure, yes.

15:05:46 19 Q Who would you like to call?

15:05:49 20 A I would like to call both Megan and
15:05:52 21 Kimberly.

15:05:53 22 Q That is Megan Delahoussaye and
15:05:53 23 Kimberly Bunting?

15:05:57 24 A Megan Delahoussaye and Kimberly Bunting.

15:05:59 25 Q Anybody else?

~~RICHARD SZABO~~

85

15:06:09 1 MS. KRAMER: Greg, I think it's more of
15:06:11 2 my --

15:06:13 3 MR. STAPP: That's fine. Yeah, I mean, I
15:06:15 4 was just curious who he wanted to call.

15:06:17 5 A Yeah.

15:06:18 6 BY MR. STAPP:

15:06:23 7 Q Okay. Give me one last parse through my
15:06:32 8 notes, guys, and just make sure I didn't miss
15:06:34 9 anything.

15:06:37 10 A Yes, sir.

15:07:19 11 MR. STAPP: Okay. I think that's all the
15:07:21 12 questions I have, Mr. Szabo. We got you out in time,
15:07:24 13 Mary, for your court hearing, so.

15:07:26 14 MS. KRAMER: There's just a few things I
15:07:27 15 want to follow up and then we'll be almost finished.

15:07:29 16 MR. STAPP: Sure, I don't have any
15:07:30 17 questions. Go ahead.

15:07:30 18

15:07:30 19 EXAMINATION

15:07:30 20

15:07:30 21 BY MS. KRAMER:

15:07:32 22 Q So, Ric, if you didn't work through lunch
15:07:35 23 occasionally, what would have happened to those
15:07:37 24 assignments to what you needed to get done?

15:07:40 25 A Well, if we didn't work through lunch, I

RICHARD SZABO

86

15:07:49 1 mean it could have -- it could have -- it would have
15:07:54 2 just made Mr. Fetter angry pretty much. He was such
15:07:59 3 a stickler and no one likes to be making him angry.
15:08:03 4 So literally it was just the fear of making the
15:08:06 5 employee -- or excuse me, fear of making him mad and
15:08:09 6 getting yelled at was the reason most of us did it.

15:08:15 7 Q So did you ever take a lunch when you had
15:08:18 8 work to do or did you --

15:08:23 9 A Yes, we did.

15:08:24 10 Q Did you ever take a lunch while work piled
15:08:26 11 up and you had to do it?

15:08:27 12 A No. Only when Mr. Fetter would come to the
15:08:35 13 office and he would take some people out to lunch,
15:08:38 14 but most of the time, I never took a lunch at the
15:08:42 15 office or when I traveled.

15:08:44 16 Q Okay.

15:08:45 17 A And it was just because the work demand was
15:08:47 18 so much.

15:08:48 19 Q Okay. And then I may be misremembering
15:08:52 20 something you said earlier, but did you say that you
15:08:54 21 taught Jason Fetter how to do some calibrations?

15:08:57 22 A He was -- I know this should be yes or no
15:09:03 23 question, but these aren't yes or no questions and
15:09:06 24 it's because of the person we're talking about.

15:09:09 25 Q Well, let's not go -- let's not worry about

~~RICHARD SZABO~~

87

15:09:12 1 that. Did you teach him how to do the calibrations?

15:09:16 2 A Yes.

15:09:16 3 Q while you were teaching him, did you have
15:09:18 4 authority over him?

15:09:19 5 A No.

15:09:20 6 Q Did you say you messed that up and --

15:09:23 7 A Yeah, no, no. There was no authority over
15:09:25 8 him. It's just simply teaching somebody.

15:09:31 9 Q All right. So prior to working at Muncy,
15:09:35 10 did you have jobs where you were paid hourly?

15:09:38 11 A Yes, I did.

15:09:39 12 Q And in those hourly jobs, did you ever
15:09:42 13 receive bonuses for whatever reason?

15:09:44 14 A No.

15:09:48 15 Q With Muncy what was your main job duty?

15:09:53 16 A To be a calibration technician and be out
15:09:59 17 in the field.

15:10:00 18 Q Okay.

15:10:02 19 A I mean that was 80 percent of my time was
15:10:07 20 out on the road and calibrating machines.

15:10:12 21 Q From your perspective was one of your main
15:10:16 22 responsibilities making sales or signing up clients?

15:10:20 23 A No.

15:10:21 24 Q Making use of the cost of the cell phone
15:10:28 25 and credit card, at any point did anyone at Muncy

~~RICHARD SZABO~~

88

15:10:30 1 indicate that you receiving those items instead of
15:10:33 2 compensation for the time you worked over 40 hours
15:10:35 3 per week?

15:10:36 4 A Only the beginning before I was hired, you
15:10:43 5 know, there was talk about the moving costs and there
15:10:47 6 talk was about and I quote during your employment you
15:10:50 7 will be issued a company cell phone, you will be
15:10:53 8 issued a laptop and you will get issued a company
15:10:58 9 credit card.

15:10:59 10 Q I think I need to rephrase the question.

15:11:01 11 A Yes.

15:11:01 12 Q When they gave you one of those items, did
15:11:04 13 they say this is for the hours you worked last week
15:11:08 14 that were over 40 hours or anything to that effect?

15:11:13 15 A No.

15:11:16 16 Q Then just last question, when you left
15:11:20 17 Muncy, did that have anything to do with any
15:11:23 18 discipline you may or may not have received for any
15:11:25 19 reason at any point?

15:11:30 20 A No.

15:11:30 21 Q What was that?

15:11:32 22 A wait. What's the question again? I'm
15:11:35 23 thinking of the cell phone. Repeat, please.

15:11:38 24 Q So there was mention that you had a
15:11:40 25 write-up about a month or so I think before you left

~~RICHARD SZABO~~

89

15:11:43 1 Muncy; is that right?

15:11:45 2 A Yeah, okay.

15:11:48 3 Q So then was you leaving Muncy in any way
15:11:51 4 related to that?

15:11:53 5 A No. It was a much bigger picture than
15:11:58 6 that, yeah, no.

15:12:00 7 Q Okay. When you were disciplined for
15:12:03 8 something, did you have -- I don't actually, I don't
15:12:10 9 have any more questions. Thanks, Ric.

15:12:11 10

15:12:11 11 FURTHER EXAMINATION

15:12:11 12

15:12:11 13 BY MR. STAPP:

15:12:13 14 Q Just a couple here in follow-ups to that,
15:12:16 15 Mr. Szabo. When you were leaving Muncy Industries,
15:12:18 16 was your mother sick?

15:12:21 17 A She was.

15:12:22 18 Q And did you talk to Mr. Fetter about the
15:12:26 19 fact that your mother as ill when you were
15:12:30 20 contemplating leaving Muncy Industries?

15:12:31 21 A I believe I mentioned after the fact.

15:12:31 22 (Court reporter clarification.)

15:12:31 23 BY MR. STAPP:

15:12:40 24 Q We're not hearing you as well, go ahead.

15:12:41 25 A I'm sorry. I'm just going to answer you

—RICHARD SZABO—

90

15:12:43 1 straight up. I think I mentioned it after the fact.

15:12:49 2 Q Sir, didn't you tell Mr. Fetter that you
15:12:52 3 were leaving because your mom was ill and you needed
15:12:56 4 to take care of her?

15:12:57 5 A That was part of the reason, yeah.

15:13:01 6 Q Okay. And I thought the reason that you
15:13:04 7 were leaving was because your mom lives in Louisiana;
15:13:06 8 is that correct?

15:13:08 9 A No, she lives in Savannah, Georgia.

15:13:11 10 Q So you were going to move back to be closer
15:13:14 11 to her, was that the goal?

15:13:15 12 A I was going -- the goal was to go [Zoom
15:13:15 13 unintelligible.]

15:13:15 14 (Court reporter clarification.)

15:13:23 15 BY MR. STAPP:

15:13:23 16 Q The goal was to do what, sir? I'm sorry,
15:13:24 17 you broke up.

15:13:24 18 A It was to go back, yeah, to go back home,
15:13:29 19 but things changed.

15:13:29 20 Q But you didn't actually do that, correct?
15:13:31 21 You didn't go back and live with your mom?

15:13:37 22 A I did not go back. I did not.

15:13:41 23 Q And, in fact, what you did was you took a
15:13:46 24 job with Chant Engineering within a couple weeks
15:13:47 25 after leaving Muncy, right?

~~RICHARD SZABO~~

91

15:13:48 1 A Yes, sir.

15:13:51 2 Q You have to just lean forward a little bit,
15:13:54 3 Mr. Szabo, because of your mic.

15:14:00 4 MS. KRAMER: He looks frozen.

15:14:02 5 MR. STAPP: Yeah. Are you still there,
15:14:03 6 Mr. Szabo?

15:14:04 7 (Mr. Szabo's Zoom screen frozen.)

15:14:15 8 MR. STAPP: Yeah, I'm not -- he's totally
15:14:18 9 frozen up here.

15:14:23 10 (Discussion held off record.)

15:14:23 11 MR. STAPP: Can you hear us, Mr. Szabo?
15:14:25 12 You are still frozen. Nope, now he's gone
15:14:41 13 altogether.

15:14:41 14 MS. KRAMER: You want me to just call him
15:14:44 15 since we're finishing it up?

15:14:47 16 MR. STAPP: Yeah, I don't -- however you
15:14:48 17 can do it, is fine. We don't need to do video. I
15:14:52 18 just have a couple questions and then I'll be done.
15:14:55 19 We can go off the record.

15:14:56 20 (Discussion held off record.)

15:16:29 21 MS. KRAMER: Greg, he's saying -- and I
15:16:29 22 just tried to call and went through to his voicemail.
15:16:30 23 He's saying his phone overheated and he can't
15:16:31 24 continue.

15:16:31 25 MR. STAPP: Oh boy.

~~RICHARD SZABO~~

92

15:16:31 1 MS. KRAMER: He asked if you want him to
15:16:32 2 take his speech [phonetic] out or something to prove
15:16:34 3 it.

15:16:35 4 MR. STAPP: No, I just had a couple more
15:16:37 5 about, you know, why he left, is that's all. Boy, I
15:16:44 6 literally had like two questions, that's so
15:16:48 7 frustrating. He doesn't have a landline I can call
15:16:49 8 in on? I wonder if he has a landline you can call
15:16:52 9 in.

15:20:08 10 (Discussion held off record.)

15:20:08 11 MS. KRAMER: I was saying he has to wait
15:20:09 12 until it cool off before he calls.

15:20:13 13 MR. STAPP: Why don't you if you want to do
15:20:14 14 your call at 3:30 and maybe we will come back really
15:20:16 15 quickly and let everybody go? I really only have two
15:20:19 16 questions.

15:20:20 17 MS. KRAMER: Yeah, I believe you. Should
15:20:23 18 we actually say 4:00, so we have a firm time you or
15:20:26 19 you want to say?

15:20:28 20 (Discussion held off record.)

15:20:28 21 (Recess.)

15:20:28 22 BY MR. STAPP:

15:47:55 23 Q We're ready if you are ready, Ric. Can you
15:47:57 24 hear me? Okay.

15:47:58 25 A Yes, I got you.

~~RICHARD SZABO~~

93

15:47:59 1 Q So we're back on the record. We were
15:48:02 2 talking about when you left Muncy Industries, my next
15:48:09 3 question to you was when you left Muncy Industries,
15:48:11 4 you didn't end up moving to Savannah, Georgia with
15:48:14 5 your mother, correct?

15:48:15 6 A No. That was the intention but, no.

15:48:23 7 Q I'm sorry, you broke up, that was the
15:48:27 8 intention, but what?

15:48:28 9 A But no, I did not.

15:48:30 10 Q And, in fact, did you just stay in the same
15:48:37 11 place in Louisiana?

15:48:38 12 A No. I did move to a new apartment.

15:48:43 13 Q In the same town?

15:48:44 14 A Yeah. I'm in the same town.

15:48:47 15 Q Okay. And you're working for a company now
15:48:56 16 that's also located in Pennsylvania, like Muncy
15:49:00 17 Industries is, correct?

15:49:00 18 A Yes, they are.

15:49:03 19 Q That's all the questions I have, Mr. Szabo.

15:49:09 20 A All right, yes, sir.

15:49:12 21 MS. KRAMER: I don't have anything else so
15:49:13 22 we're done, Ric. You can take off.

15:49:17 23 MR. STAPP: All right.

15:49:18 24 THE WITNESS: All right, guys.

15:49:18 25 MS. STAPP: Thanks, everyone.

~~RICHARD SZABO~~

94

15:49:19 1 THE WITNESS: Sorry for all the
15:49:21 2 interruptions, but, yeah, okay.

15:49:24 3 MS. KRAMER: It happens.

15:49:26 4 MR. STAPP: Okay.

15:49:28 5 MS. KRAMER: Talk to you later, Greg.

15:49:31 6 MR. STAPP: All right. Talk to you later.
15:49:31 7 Take care, everyone.

15:49:31 8

15:50:23 9 (Deposition concluded at 3:50 p.m.)

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~~RICHARD SZABO~~

95

1 COUNTY OF CENTRE :
 2 COMMONWEALTH OF PENNSYLVANIA : ss

3 I, HEATHER GOSS BORING, Notary Public,
 4 authorized to administer oaths within and
 5 for the Commonwealth of Pennsylvania and take
 6 depositions in the trial of causes, do hereby
 7 certify that the foregoing is the testimony of
 8 RICHARD SZABO.

9 I further certify that before the taking
 10 of said deposition, the witness was duly sworn; that
 11 the questions and answers were taken down
 12 stenographically by the said HEATHER GOSS BORING,
 13 Notary Public, approved and agreed to, and
 14 afterwards reduced to typewriting under the
 15 direction of the said Reporter.

16 I further certify that the proceedings and
 17 evidence are contained fully and accurately in the
 18 notes taken by me in the within deposition, and that
 19 this copy is a correct transcript of the same.

20 In testimony whereof, I have hereunto
 21 subscribed my hand this 15th day of July 2022.

22
 23 ss:/ Heather Goss Boring
 24 (Signed electronically)
 HEATHER GOSS BORING, CSR
 Notary Public

25 My Commission Number 1060904
 expires on February 17, 2023

RICHARD SZABO

1

\$	2	48 [1] - 38:3 49 [2] - 38:3 4:00 [1] - 92:18	84:6 actively [3] - 16:17, 47:25, 48:4 actual [2] - 41:14, 57:5 adapted [1] - 55:18 added [1] - 34:4 addition [2] - 40:9, 42:17 additional [1] - 66:20 address [3] - 48:23, 58:3, 64:17 adjusting [1] - 19:22 administer [1] - 95:4 admit [1] - 75:11 advantage [2] - 36:17, 68:11 advertisement [1] - 49:2 advised [1] - 66:10 afterwards [1] - 95:14 agencies [1] - 56:16 agency [1] - 84:7 ago [3] - 45:15, 47:12, 51:17 agree [17] - 8:10, 9:12, 12:11, 25:19, 27:24, 47:6, 54:2, 54:10, 54:12, 60:19, 60:21, 62:13, 62:22, 63:9, 63:19, 82:23, 83:9 agreed [1] - 95:13 Agreement [3] - 3:13, 39:17, 40:6 agreement [1] - 67:12 ahead [6] - 20:24, 21:11, 38:22, 72:12, 85:17, 89:24 airline [1] - 43:4 airport [1] - 80:21 Alex [2] - 72:23, 73:2 allowed [10] - 8:8, 8:14, 8:15, 8:22, 12:23, 15:6, 27:22, 43:1, 44:3 almost [2] - 73:7, 85:15 altogether [1] - 91:13 America [4] - 70:4, 70:5, 70:9, 71:5 amount [6] - 7:6, 45:9, 46:15, 76:13, 79:9, 79:17 AND [1] - 3:7 angry [2] - 86:2, 86:3 annual [1] - 34:22 answer [31] - 4:24, 9:23, 9:25, 14:2, 14:5, 14:13, 16:2, 19:12, 19:14, 19:23, 21:23, 31:25, 32:23, 33:16, 37:15, 53:2, 53:10, 53:17, 56:8, 57:6, 57:17, 59:16, 64:6, 69:8, 69:9, 69:11, 71:9, 72:11, 89:25 answered [1] - 64:1 answering [1] - 25:18 answers [3] - 4:22, 37:17, 95:11 anytime [1] - 11:21 Apartment [2] - 46:4, 46:5
\$15,000 [3] - 66:20, 80:11, 80:25 \$1500 [2] - 40:21, 47:11 \$2,000 [5] - 34:13, 34:19, 34:22, 36:3, 39:1 \$200 [3] - 32:17, 33:5, 35:9 \$2000 [1] - 35:7 \$400 [1] - 33:15 \$45,000 [3] - 37:1, 37:10, 37:19 \$47,000 [2] - 38:14, 38:15 \$50,000 [2] - 36:12, 36:19 \$500 [1] - 36:13 \$800 [1] - 38:10	2 [7] - 3:10, 3:14, 3:18, 35:16, 35:20, 39:6, 74:15 2-Page [2] - 3:12, 40:6 20 [2] - 36:13, 74:4 2000 [1] - 2:3 2016 [1] - 39:20 2018 [12] - 7:19, 32:17, 33:6, 33:7, 34:13, 34:18, 34:20, 35:25, 36:8, 38:15, 50:5, 81:9 2019 [5] - 33:14, 36:25, 38:13, 48:21 2020 [3] - 64:16, 79:7, 81:21 2021 [2] - 70:10, 82:10 2022 [2] - 1:16, 95:21 2023 [1] - 95:25 20th [1] - 70:10 21 [1] - 74:5 21-CV-00468 [1] - 1:8 22 [3] - 74:7, 78:17, 79:17 22nd [1] - 64:16 23rd [1] - 32:17 259 [1] - 48:19 261 [1] - 48:19 267 [1] - 2:5 273-1054 [1] - 2:5 28 [1] - 38:13	5 5 [3] - 3:16, 45:17, 45:19 50 [1] - 38:2 570 [1] - 2:10 5:00 [1] - 21:7 5:30 [1] - 21:12	6 6 [4] - 1:18, 3:18, 47:15, 47:20 60 [1] - 74:5 62 [1] - 48:19 6:00 [1] - 21:12
'	21	7	74 [1] - 3:22 77 [1] - 3:22 78 [1] - 3:22 79 [1] - 35:14
'18 [2] - 35:7, 81:21	21	8	80 [2] - 74:5, 87:19 814 [1] - 1:25 85 [1] - 3:4 87 [4] - 74:6, 78:20, 78:25, 80:5 89 [1] - 3:4 892.20 [1] - 41:16
1	3	9	A
1 [7] - 3:8, 30:24, 64:15, 66:1, 83:6, 83:11, 83:14 1-page [6] - 3:8, 3:10, 3:16, 30:23, 35:19, 45:18 1.5 [1] - 78:22 100 [1] - 9:13 1060904 [1] - 95:25 10:00 [1] - 1:16 117 [1] - 44:25 118 [2] - 45:22, 47:15 12 [1] - 81:3 120 [3] - 3:18, 46:20, 47:15 121 [1] - 1:24 122 [1] - 3:15 131 [1] - 29:5 15 [1] - 81:5 15,000 [1] - 66:17 1521 [2] - 46:4, 46:5 153 [2] - 1:18, 2:9 15th [2] - 48:21, 95:21 1628 [1] - 2:4 16828 [1] - 1:24 16th [1] - 82:10 17 [4] - 32:10, 82:15, 82:24, 95:25 17701 [2] - 1:19, 2:9 18 [1] - 32:10 18th [1] - 34:13 19,000 [1] - 81:4 19103 [1] - 2:4 1st [2] - 36:24, 36:25	4 [5] - 3:4, 3:14, 42:12, 42:15, 76:7 40 [9] - 3:12, 6:19, 7:2, 66:15, 74:8, 78:21, 78:23, 88:2, 88:14 40-hour [3] - 7:7, 7:9, 7:12 400 [1] - 61:4 42 [1] - 3:14 425 [1] - 45:23 425.97 [3] - 47:3, 47:4, 47:9 45 [5] - 3:16, 74:6, 78:20, 78:25, 80:5 47 [1] - 3:18	990.97 [1] - 45:6	
	4		

RICHARD SZABO

2

<p>apartment [3] - 46:8, 47:5, 93:12</p> <p>Apartments [1] - 46:21</p> <p>apologize [13] - 30:3, 32:8, 34:17, 37:13, 38:20, 41:11, 45:25, 54:15, 58:23, 72:6, 75:2, 76:4, 83:17</p> <p>appear [4] - 32:3, 32:11, 41:14, 50:11</p> <p>APPEARING [2] - 2:6, 2:11</p> <p>applies [1] - 43:25</p> <p>appreciate [1] - 34:9</p> <p>approaches [1] - 20:23</p> <p>approaching [1] - 21:6</p> <p>approval [1] - 71:21</p> <p>approved [1] - 95:13</p> <p>April [4] - 36:24, 38:13, 38:15, 81:10</p> <p>area [1] - 47:5</p> <p>argue [1] - 8:21</p> <p>arrive [2] - 26:25, 27:3</p> <p>assignment [1] - 25:11</p> <p>assignments [2] - 23:25, 85:24</p> <p>assistance [1] - 24:23</p> <p>assistant [2] - 30:19, 46:7</p> <p>associated [1] - 68:23</p> <p>assume [2] - 37:7, 57:9</p> <p>assumed [1] - 20:9</p> <p>attempted [1] - 23:1</p> <p>attention [1] - 76:1</p> <p>attitude [2] - 19:19, 19:20</p> <p>attorney [9] - 5:2, 5:5, 18:3, 18:12, 18:14, 79:3, 79:12, 79:14</p> <p>Attorney [3] - 74:20, 77:13, 78:13</p> <p>August [6] - 32:17, 33:5, 33:7, 34:13, 35:7, 48:21</p> <p>authentic [1] - 42:5</p> <p>authorities [1] - 26:19</p> <p>authority [8] - 10:25, 11:1, 13:6, 24:10, 28:6, 28:10, 87:4, 87:7</p> <p>authorized [1] - 95:4</p> <p>avoid [1] - 61:11</p> <p>aware [6] - 6:2, 70:8, 70:11, 71:11, 71:16, 73:4</p>	<p>Bates [11] - 3:9, 3:11, 3:13, 3:15, 3:17, 3:18, 35:14, 44:25, 45:21, 46:19, 47:15</p> <p>bed [3] - 20:23, 21:5, 50:24</p> <p>BEFORE [1] - 1:14</p> <p>begin [1] - 6:6</p> <p>beginning [2] - 80:2, 88:4</p> <p>BEHALF [2] - 2:6, 2:11</p> <p>behalf [1] - 52:7</p> <p>behind [2] - 9:2, 9:5</p> <p>best [3] - 7:14, 56:7, 57:4</p> <p>better [1] - 47:16</p> <p>between [9] - 4:3, 14:5, 17:9, 25:24, 35:13, 49:20, 77:2, 77:7, 77:16</p> <p>bigger [1] - 89:5</p> <p>Bishop [2] - 50:11, 51:8</p> <p>bit [3] - 47:16, 47:24, 91:2</p> <p>biweekly [1] - 6:12</p> <p>bonus [16] - 32:14, 32:17, 33:5, 33:6, 33:9, 33:15, 33:17, 33:19, 33:25, 34:2, 34:8, 34:12, 35:8, 36:13, 38:10</p> <p>bonuses [8] - 34:3, 37:20, 38:4, 43:18, 66:22, 67:10, 67:11, 87:13</p> <p>Boring [1] - 95:23</p> <p>BORING [5] - 1:14, 1:23, 95:3, 95:12, 95:24</p> <p>boringreporting@gmail.com [1] - 1:25</p> <p>bought [1] - 42:17</p> <p>Boulevard [1] - 2:4</p> <p>boy [2] - 91:25, 92:5</p> <p>brand [1] - 67:15</p> <p>brand-new [1] - 67:15</p> <p>break [5] - 62:6, 73:7, 73:13, 73:16, 75:21</p> <p>breaking [3] - 53:1, 53:5, 62:1</p> <p>bring [1] - 36:23</p> <p>broke [6] - 13:16, 53:10, 53:15, 72:6, 90:17, 93:7</p> <p>brother [1] - 26:1</p> <p>brother-in-law [1] - 26:1</p> <p>buckle [1] - 20:14</p> <p>bullshit [1] - 29:11</p> <p>Bunting [13] - 11:24, 12:6, 12:9, 12:24, 19:3, 27:21, 71:22, 77:4, 77:8, 77:15, 77:23, 84:23, 84:24</p> <p>BUNTING [1] - 12:6</p> <p>burden [1] - 10:3</p> <p>business [5] - 49:7, 49:22, 50:15, 52:8, 84:6</p> <p>butt [1] - 11:12</p> <p>buying [1] - 67:17</p> <p>BY [37] - 1:13, 4:14, 6:22,</p>	<p>13:18, 14:8, 14:17, 15:7, 16:1, 23:19, 29:19, 30:7, 31:9, 35:23, 38:23, 40:8, 41:8, 42:16, 45:20, 47:22, 53:20, 54:6, 63:6, 64:11, 65:7, 65:23, 69:20, 71:4, 73:22, 75:4, 77:14, 78:15, 85:6, 85:21, 89:13, 89:23, 90:15, 92:22</p>	<p>certainly [2] - 15:6, 77:11</p> <p>certification [5] - 4:5, 55:25, 56:9, 56:21, 56:22</p> <p>certified [6] - 54:21, 54:24, 55:3, 56:12, 56:13, 56:17</p> <p>certify [4] - 56:18, 95:7, 95:9, 95:16</p> <p>change [2] - 45:24, 60:25</p> <p>changed [1] - 90:19</p> <p>changes [1] - 8:4</p> <p>Chant [20] - 14:16, 14:18, 15:17, 16:9, 17:25, 18:4, 18:13, 18:17, 64:25, 68:13, 68:15, 69:4, 69:16, 69:18, 69:21, 69:25, 70:9, 71:11, 71:16, 90:24</p> <p>chant [6] - 16:17, 17:13, 18:22, 67:19, 68:7, 69:2</p> <p>characterize [1] - 20:11</p> <p>charged [1] - 6:1</p> <p>CHARLES [1] - 1:24</p> <p>chart [1] - 80:15</p> <p>charting [1] - 81:6</p> <p>check [1] - 76:3</p> <p>checking [1] - 17:17</p> <p>child [1] - 61:6</p> <p>chip [4] - 60:11, 60:13, 60:15, 60:20</p> <p>chips [1] - 60:17</p> <p>chocolate [5] - 60:11, 60:13, 60:15, 60:16, 60:20</p> <p>choice [4] - 20:9, 21:11, 21:12, 53:25</p> <p>choose [1] - 80:18</p> <p>claim [3] - 18:9, 29:21, 77:24</p> <p>claims [1] - 15:3</p> <p>clarification [11] - 6:21, 13:17, 15:25, 23:18, 41:7, 54:5, 58:21, 69:7, 70:18, 89:22, 90:14</p> <p>clarify [2] - 34:1, 34:7</p> <p>classified [2] - 29:13, 65:3</p> <p>clean [5] - 35:17, 41:5, 41:9, 41:10, 41:11</p> <p>clear [3] - 21:21, 25:22, 62:17</p> <p>clearly [2] - 26:3, 49:17</p> <p>client's [1] - 32:3</p> <p>clients [1] - 87:22</p> <p>clock [6] - 31:20, 31:21, 31:22, 32:11</p> <p>clocking [4] - 32:6, 32:13</p> <p>close [4] - 14:22, 15:22, 21:7, 38:2</p> <p>closed [1] - 78:23</p> <p>closer [1] - 90:10</p> <p>cloudy [1] - 53:23</p> <p>CO [1] - 1:10</p> <p>coming [2] - 31:7, 59:19</p>
<p>B</p> <p>background [1] - 38:21</p> <p>bad [2] - 17:1, 29:18</p> <p>bake [1] - 60:18</p> <p>based [4] - 33:21, 38:15, 79:9, 81:2</p> <p>basing [1] - 80:12</p> <p>Bate [4] - 29:5, 32:10, 48:19, 50:2</p>	<p>beginning [2] - 80:2, 88:4</p> <p>BEHALF [2] - 2:6, 2:11</p> <p>behalf [1] - 52:7</p> <p>behind [2] - 9:2, 9:5</p> <p>best [3] - 7:14, 56:7, 57:4</p> <p>better [1] - 47:16</p> <p>between [9] - 4:3, 14:5, 17:9, 25:24, 35:13, 49:20, 77:2, 77:7, 77:16</p> <p>bigger [1] - 89:5</p> <p>Bishop [2] - 50:11, 51:8</p> <p>bit [3] - 47:16, 47:24, 91:2</p> <p>biweekly [1] - 6:12</p> <p>bonus [16] - 32:14, 32:17, 33:5, 33:6, 33:9, 33:15, 33:17, 33:19, 33:25, 34:2, 34:8, 34:12, 35:8, 36:13, 38:10</p> <p>bonuses [8] - 34:3, 37:20, 38:4, 43:18, 66:22, 67:10, 67:11, 87:13</p> <p>Boring [1] - 95:23</p> <p>BORING [5] - 1:14, 1:23, 95:3, 95:12, 95:24</p> <p>boringreporting@gmail.com [1] - 1:25</p> <p>bought [1] - 42:17</p> <p>Boulevard [1] - 2:4</p> <p>boy [2] - 91:25, 92:5</p> <p>brand [1] - 67:15</p> <p>brand-new [1] - 67:15</p> <p>break [5] - 62:6, 73:7, 73:13, 73:16, 75:21</p> <p>breaking [3] - 53:1, 53:5, 62:1</p> <p>bring [1] - 36:23</p> <p>broke [6] - 13:16, 53:10, 53:15, 72:6, 90:17, 93:7</p> <p>brother [1] - 26:1</p> <p>brother-in-law [1] - 26:1</p> <p>buckle [1] - 20:14</p> <p>bullshit [1] - 29:11</p> <p>Bunting [13] - 11:24, 12:6, 12:9, 12:24, 19:3, 27:21, 71:22, 77:4, 77:8, 77:15, 77:23, 84:23, 84:24</p> <p>BUNTING [1] - 12:6</p> <p>burden [1] - 10:3</p> <p>business [5] - 49:7, 49:22, 50:15, 52:8, 84:6</p> <p>butt [1] - 11:12</p> <p>buying [1] - 67:17</p> <p>BY [37] - 1:13, 4:14, 6:22,</p>	<p>C</p> <p>C-R-O-Y [1] - 23:24</p> <p>calculated [1] - 81:3</p> <p>calibrate [3] - 24:1, 24:5, 70:1</p> <p>calibrated [2] - 50:23, 51:11</p> <p>calibrating [3] - 50:18, 51:6, 87:20</p> <p>calibration [22] - 20:19, 22:22, 22:25, 23:11, 23:16, 24:24, 28:13, 50:8, 50:21, 51:2, 51:14, 51:21, 54:10, 54:18, 56:13, 61:20, 66:10, 72:3, 72:8, 72:15, 72:19, 87:16</p> <p>calibrations [14] - 24:12, 33:22, 33:25, 34:3, 36:4, 36:9, 36:14, 38:15, 54:21, 54:25, 71:25, 72:1, 86:21, 87:1</p> <p>campaign [3] - 48:13, 49:3, 49:11</p> <p>cannot [1] - 79:20</p> <p>capabilities [2] - 26:5, 59:21</p> <p>car [8] - 39:14, 40:9, 42:17, 43:5, 66:21, 67:12, 67:13, 67:17</p> <p>card [8] - 42:20, 42:22, 43:2, 63:15, 67:3, 67:7, 87:25, 88:9</p> <p>cards [2] - 67:4, 78:2</p> <p>care [2] - 90:4, 94:7</p> <p>cars [3] - 67:15</p> <p>case [15] - 4:17, 20:1, 29:14, 63:25, 64:10, 64:21, 64:22, 65:11, 65:12, 65:15, 69:18, 70:15, 70:16, 71:9, 84:5</p> <p>cases [1] - 68:22</p> <p>catch [1] - 21:24</p> <p>category [1] - 44:1</p> <p>causes [1] - 95:6</p> <p>cell [12] - 44:1, 44:4, 44:7, 44:8, 44:11, 44:16, 66:21, 66:25, 67:7, 87:24, 88:7, 88:23</p> <p>Center [1] - 2:3</p> <p>CENTRE [2] - 1:24, 95:1</p> <p>certain [2] - 26:3, 55:4</p>	<p>certainly [2] - 15:6, 77:11</p> <p>certification [5] - 4:5, 55:25, 56:9, 56:21, 56:22</p> <p>certified [6] - 54:21, 54:24, 55:3, 56:12, 56:13, 56:17</p> <p>certify [4] - 56:18, 95:7, 95:9, 95:16</p> <p>change [2] - 45:24, 60:25</p> <p>changed [1] - 90:19</p> <p>changes [1] - 8:4</p> <p>Chant [20] - 14:16, 14:18, 15:17, 16:9, 17:25, 18:4, 18:13, 18:17, 64:25, 68:13, 68:15, 69:4, 69:16, 69:18, 69:21, 69:25, 70:9, 71:11, 71:16, 90:24</p> <p>chant [6] - 16:17, 17:13, 18:22, 67:19, 68:7, 69:2</p> <p>characterize [1] - 20:11</p> <p>charged [1] - 6:1</p> <p>CHARLES [1] - 1:24</p> <p>chart [1] - 80:15</p> <p>charting [1] - 81:6</p> <p>check [1] - 76:3</p> <p>checking [1] - 17:17</p> <p>child [1] - 61:6</p> <p>chip [4] - 60:11, 60:13, 60:15, 60:20</p> <p>chips [1] - 60:17</p> <p>chocolate [5] - 60:11, 60:13, 60:15, 60:16, 60:20</p> <p>choice [4] - 20:9, 21:11, 21:12, 53:25</p> <p>choose [1] - 80:18</p> <p>claim [3] - 18:9, 29:21, 77:24</p> <p>claims [1] - 15:3</p> <p>clarification [11] - 6:21, 13:17, 15:25, 23:18, 41:7, 54:5, 58:21, 69:7, 70:18, 89:22, 90:14</p> <p>clarify [2] - 34:1, 34:7</p> <p>classified [2] - 29:13, 65:3</p> <p>clean [5] - 35:17, 41:5, 41:9, 41:10, 41:11</p> <p>clear [3] - 21:21, 25:22, 62:17</p> <p>clearly [2] - 26:3, 49:17</p> <p>client's [1] - 32:3</p> <p>clients [1] - 87:22</p> <p>clock [6] - 31:20, 31:21, 31:22, 32:11</p> <p>clocking [4] - 32:6, 32:13</p> <p>close [4] - 14:22, 15:22, 21:7, 38:2</p> <p>closed [1] - 78:23</p> <p>closer [1] - 90:10</p> <p>cloudy [1] - 53:23</p> <p>CO [1] - 1:10</p> <p>coming [2] - 31:7, 59:19</p>

RICHARD SZABO

3

<p>comment [4] - 8:14, 8:22, 14:22, 71:3</p> <p>Commission [1] - 95:25</p> <p>COMMONWEALTH [1] - 95:2</p> <p>Commonwealth [2] - 83:24, 95:5</p> <p>communicated [1] - 11:16</p> <p>communications [2] - 18:11, 77:2</p> <p>Company [3] - 3:12, 39:16, 40:6</p> <p>company [16] - 19:23, 40:13, 40:21, 43:2, 43:13, 43:19, 44:1, 56:15, 66:25, 67:3, 67:4, 67:6, 70:3, 88:7, 88:8, 93:15</p> <p>compensated [1] - 78:21</p> <p>compensation [1] - 88:2</p> <p>competitor [2] - 65:9, 66:8</p> <p>competitors [1] - 64:24</p> <p>Complaint [10] - 74:1, 74:4, 78:17, 79:2, 82:1, 82:3, 82:10, 82:21, 84:2, 84:11</p> <p>complaint [2] - 82:9, 83:24</p> <p>completed [1] - 36:9</p> <p>completely [2] - 43:13, 68:11</p> <p>completeness [1] - 40:4</p> <p>compound [1] - 7:18</p> <p>computer [1] - 67:8</p> <p>concerns [1] - 66:10</p> <p>concluded [1] - 94:9</p> <p>confirm [2] - 29:24, 33:21</p> <p>confirmation [1] - 42:6</p> <p>consider [1] - 48:8</p> <p>consumer [1] - 84:6</p> <p>contained [1] - 95:17</p> <p>contemplating [1] - 89:20</p> <p>contention [1] - 81:19</p> <p>continue [1] - 91:24</p> <p>control [1] - 59:20</p> <p>conversation [5] - 10:5, 10:7, 15:9, 15:11, 15:20</p> <p>conversations [8] - 11:17, 12:20, 14:4, 16:5, 16:23, 17:2, 17:5, 17:10</p> <p>convicted [1] - 5:22</p> <p>cookie [2] - 60:10, 60:17</p> <p>cookies [6] - 60:11, 60:13, 60:15, 60:18, 60:20, 61:5</p> <p>cool [1] - 92:12</p> <p>copy [3] - 35:17, 42:5, 95:19</p> <p>Core [3] - 50:11, 50:18, 51:8</p> <p>correct [86] - 6:9, 7:13, 8:16, 8:17, 10:19, 12:6, 18:15, 18:16, 18:21, 18:24, 20:20, 21:3, 21:13, 22:22, 22:25, 23:7, 23:12, 24:5, 25:9, 26:16, 28:8, 28:20, 28:21, 31:23, 31:24, 32:7, 32:14, 32:15, 33:22, 34:23, 35:9,</p>	<p>36:1, 36:5, 36:6, 36:16, 37:2, 37:7, 37:11, 37:22, 37:24, 39:7, 39:8, 39:14, 39:21, 39:22, 40:2, 42:11, 42:21, 43:10, 43:11, 47:18, 49:5, 49:24, 51:19, 51:21, 51:23, 52:5, 57:10, 59:25, 62:6, 63:17, 63:18, 63:20, 63:21, 63:24, 64:4, 64:25, 65:17, 66:2, 68:7, 68:13, 68:17, 76:5, 79:13, 80:6, 82:24, 83:1, 83:7, 83:8, 83:11, 83:15, 90:8, 90:20, 93:5, 93:17, 95:19</p> <p>correctly [17] - 8:6, 18:10, 24:21, 25:12, 25:19, 26:20, 29:13, 36:15, 49:9, 50:7, 51:4, 55:24, 59:2, 60:5, 61:13, 62:10</p> <p>correspondence [1] - 11:22</p> <p>cost [2] - 40:12, 87:24</p> <p>costs [1] - 88:5</p> <p>counsel [6] - 4:4, 5:4, 75:20, 77:9, 78:12, 82:4</p> <p>count [1] - 17:1</p> <p>COUNTY [1] - 95:1</p> <p>couple [7] - 5:14, 44:19, 55:23, 89:14, 90:24, 91:18, 92:4</p> <p>course [2] - 8:12, 10:6</p> <p>COURT [2] - 1:1, 1:23</p> <p>court [9] - 8:7, 10:12, 12:4, 37:16, 64:16, 82:2, 82:9, 84:5, 85:13</p> <p>Court [10] - 6:21, 13:17, 15:25, 23:18, 41:7, 54:5, 58:21, 69:7, 89:22, 90:14</p> <p>cover [2] - 29:1, 44:20</p> <p>covered [3] - 22:19, 63:4, 83:5</p> <p>CRAPPELL [1] - 1:6</p> <p>Crappell [19] - 23:10, 24:3, 24:7, 24:22, 25:10, 27:13, 27:23, 28:16, 55:22, 57:8, 57:14, 57:19, 58:12, 59:4, 61:19, 62:19, 72:21, 73:1, 79:23</p> <p>create [2] - 56:4, 75:19</p> <p>created [7] - 22:21, 55:12, 55:25, 59:5, 74:22, 76:20, 80:15</p> <p>credit [7] - 42:19, 42:22, 67:3, 67:4, 67:7, 87:25, 88:9</p> <p>crime [3] - 5:22, 5:24, 6:1</p> <p>crimen [3] - 5:22, 5:24, 6:1</p> <p>Croy [21] - 23:17, 23:21, 23:25, 24:8, 24:23, 25:10, 26:25, 27:6, 27:12, 27:23, 28:16, 55:5, 57:8, 57:15,</p>	<p>57:20, 58:12, 58:15, 67:14, 72:21, 73:2, 79:23</p> <p>CROY [1] - 23:23</p> <p>CSR [1] - 95:24</p> <p>curious [1] - 85:4</p> <p>current [1] - 68:24</p> <p>customer [6] - 24:4, 24:9, 34:4, 50:19, 50:20, 71:5</p> <p>customer's [3] - 9:2, 26:25, 71:23</p> <p>customers [36] - 9:5, 14:25, 15:10, 15:14, 47:25, 48:4, 49:6, 49:13, 49:16, 50:3, 50:6, 50:11, 50:13, 50:14, 50:21, 51:21, 52:1, 52:4, 52:6, 65:17, 66:2, 66:4, 66:9, 68:17, 69:3, 69:17, 69:23, 69:25, 70:1, 70:18, 70:24, 70:25, 71:8, 71:12, 71:17</p>	<p>deposition [11] - 4:16, 4:19, 5:5, 5:6, 5:9, 35:16, 53:25, 64:15, 95:10, 95:18</p> <p>Deposition [2] - 40:4, 94:9</p> <p>depositions [1] - 95:6</p> <p>described [2] - 25:17, 77:23</p> <p>describing [1] - 19:1</p> <p>deserve [1] - 66:13</p> <p>designs [1] - 18:18</p> <p>despite [1] - 32:12</p> <p>diary [2] - 75:8, 76:9</p> <p>difference [1] - 25:24</p> <p>different [6] - 28:8, 45:9, 58:2, 64:21, 65:12, 66:4</p> <p>differently [1] - 72:11</p> <p>dig [1] - 10:13</p> <p>directed [1] - 25:4</p> <p>direction [1] - 95:15</p> <p>directions [1] - 25:18</p> <p>directly [2] - 29:20, 57:22</p> <p>disagree [18] - 8:10, 8:17, 8:21, 9:13, 11:8, 11:11, 12:11, 12:13, 27:24, 37:9, 37:11, 37:12, 54:3, 54:4, 54:10, 61:16, 63:10, 63:11</p> <p>discipline [4] - 82:18, 83:5, 83:9, 88:18</p> <p>disciplined [2] - 83:7, 89:7</p> <p>disclose [2] - 14:11, 65:18</p> <p>discovery [4] - 5:18, 31:13, 46:14, 74:2</p> <p>discretion [2] - 54:8, 54:17</p> <p>discuss [1] - 11:3</p> <p>discussed [3] - 5:3, 39:9, 43:17</p> <p>Discussion [1] - 31:3</p> <p>Discussion held off record [5] - 73:21, 91:10, 91:20, 92:10, 92:20</p> <p>dishonesty [1] - 5:25</p> <p>DISTRICT [2] - 1:1, 1:2</p> <p>document [17] - 29:7, 29:24, 30:9, 31:5, 35:14, 35:18, 39:16, 40:14, 40:17, 44:25, 45:2, 45:4, 45:24, 46:20, 47:3, 48:9, 64:12</p> <p>documentation [8] - 38:11, 74:7, 74:10, 74:16, 75:7, 79:5, 79:8, 79:10</p> <p>documentations [2] - 78:7, 79:4</p> <p>documents [16] - 5:8, 5:11, 5:12, 6:5, 29:5, 30:1, 30:4, 30:18, 31:12, 44:19, 63:15, 73:8, 73:12, 76:17, 77:21, 77:25</p> <p>dollars [1] - 7:7</p> <p>done [17] - 9:11, 12:11, 20:11, 20:15, 20:17, 20:25, 21:7, 21:13, 52:11, 56:7,</p>
D			
<p>d/b/a [1] - 1:9</p> <p>danger [1] - 61:21</p> <p>DATE [1] - 1:16</p> <p>date [2] - 34:11, 80:20</p> <p>dates [3] - 9:17, 11:3, 79:7</p> <p>days [4] - 6:14, 7:20, 7:24, 32:4</p> <p>deal [1] - 39:5</p> <p>debate [1] - 75:18</p> <p>December [1] - 70:10</p> <p>deception [1] - 5:25</p> <p>decide [2] - 20:10, 27:12</p> <p>decided [2] - 16:22, 17:10</p> <p>decides [1] - 27:1</p> <p>decision [4] - 10:18, 10:21, 20:11, 21:2</p> <p>dedicated [1] - 20:15</p> <p>deep [1] - 10:13</p> <p>DEFENDANT [2] - 1:10, 2:11</p> <p>DEFENDANTS [1] - 1:13</p> <p>definitely [1] - 55:16</p> <p>definition [6] - 26:12, 60:5, 60:7, 61:14, 61:16, 61:17</p> <p>definitions [1] - 26:13</p> <p>degree [1] - 61:4</p> <p>Delahoussaye [9] - 8:7, 9:9, 12:24, 19:4, 53:24, 59:3, 63:7, 84:22, 84:24</p> <p>delegate [3] - 11:1, 27:8, 27:10</p> <p>delegation [2] - 10:25, 26:19</p> <p>deleted [3] - 63:23, 64:3, 66:8</p> <p>demand [1] - 86:17</p> <p>depos [1] - 22:20</p> <p>DEPOSITION [2] - 1:12, 3:7</p>			

RICHARD SZABO

4

<p>60:18, 62:19, 73:7, 79:2, 85:24, 91:18, 93:22</p> <p>dough [1] - 60:16</p> <p>down [3] - 37:16, 75:21, 95:11</p> <p>drafted [1] - 82:8</p> <p>driving [1] - 39:12</p> <p>drop [1] - 62:6</p> <p>dropping [1] - 62:1</p> <p>drove [2] - 79:21</p> <p>duly [1] - 95:10</p> <p>during [12] - 8:12, 15:8, 15:11, 15:22, 16:15, 17:13, 19:9, 54:2, 57:10, 57:11, 81:20, 88:6</p> <p>duty [1] - 87:15</p> <p>dynamic [1] - 19:1</p>	<p>17:22, 18:1, 29:20, 29:22, 52:3, 54:17, 63:20, 63:22, 76:24, 77:4, 81:22, 82:16, 83:15, 83:23, 88:6</p> <p>Employment [2] - 3:8, 30:23</p> <p>encourage [1] - 16:17</p> <p>encouraging [2] - 17:14, 17:16</p> <p>end [5] - 50:7, 51:3, 81:10, 82:19, 93:4</p> <p>ended [1] - 23:4</p> <p>engineer [1] - 67:14</p> <p>Engineering [6] - 64:25, 69:22, 70:9, 71:11, 71:16, 90:24</p> <p>engineers [1] - 72:23</p> <p>entire [2] - 12:2, 28:1</p> <p>entirety [1] - 82:5</p> <p>entitled [1] - 29:6</p> <p>equals [1] - 28:11</p> <p>error [1] - 19:21</p> <p>especially [1] - 4:22</p> <p>ESQUIRE [2] - 2:3, 2:8</p> <p>essence [2] - 25:16, 39:11</p> <p>establish [2] - 77:24, 81:14</p> <p>establishes [1] - 74:8</p> <p>evidence [1] - 95:17</p> <p>evidentiary [1] - 75:18</p> <p>exactly [2] - 53:18, 80:20</p> <p>exam [11] - 55:9, 55:15, 55:20, 56:1, 57:9, 57:16, 57:21, 58:1, 58:14, 59:5, 59:9</p> <p>EXAMINATION [4] - 3:2, 4:12, 85:19, 89:11</p> <p>examination [1] - 56:4</p> <p>example [3] - 20:19, 26:1, 80:3</p> <p>except [1] - 4:6</p> <p>exchange [1] - 49:19</p> <p>excuse [2] - 13:22, 86:5</p> <p>exercise [1] - 54:16</p> <p>exercised [2] - 54:7, 54:8</p> <p>exhibit [4] - 32:18, 35:15, 64:15, 83:13</p> <p>Exhibit [21] - 3:8, 3:10, 3:12, 3:14, 3:16, 3:18, 30:24, 35:16, 35:20, 39:6, 40:5, 40:7, 42:15, 45:17, 45:19, 47:15, 47:20, 66:1, 83:6, 83:11, 83:13</p> <p>EXHIBITS [1] - 3:7</p> <p>expect [1] - 20:8</p> <p>expected [2] - 21:16, 22:1</p> <p>expense [3] - 41:17, 44:10, 44:14</p> <p>Expense [3] - 3:16, 40:15, 45:18</p> <p>expenses [13] - 40:10, 41:3, 42:18, 42:23, 43:20, 43:21,</p>	<p>44:23, 45:1, 45:5, 46:23, 47:11, 47:17, 66:20</p> <p>expires [1] - 95:25</p> <p>explain [3] - 5:23, 19:17, 58:6</p> <p>explanation [1] - 47:16</p> <p>extra [4] - 21:19, 22:9, 67:9, 80:14</p> <p>extremely [2] - 50:8, 51:1</p> <p>eyes [1] - 44:24</p>	<p>finishing [1] - 91:15</p> <p>fire [1] - 26:15</p> <p>firing [1] - 26:5</p> <p>Firm [1] - 17:19</p> <p>firm [2] - 17:23, 92:18</p> <p>first [13] - 6:6, 8:1, 13:24, 14:18, 16:8, 16:12, 16:20, 33:3, 46:10, 63:12, 75:20, 81:9, 81:11</p> <p>five [21] - 8:2, 8:4, 9:11, 9:15, 10:17, 10:19, 10:22, 12:10, 12:15, 12:24, 13:4, 13:8, 17:5, 17:9, 20:2, 21:9, 22:4, 22:6, 22:9, 22:16, 73:9</p> <p>fix [1] - 24:17</p> <p>flexible [1] - 19:24</p> <p>follow [3] - 56:14, 85:15, 89:14</p> <p>follow-ups [1] - 89:14</p> <p>follows [2] - 4:10, 82:16</p> <p>food [2] - 43:3, 43:9</p> <p>FOR [1] - 1:1</p> <p>foregoing [1] - 95:7</p> <p>form [4] - 4:6, 41:22, 47:14, 60:1</p> <p>former [5] - 52:1, 68:16, 69:3, 79:12, 79:14</p> <p>formula [1] - 75:19</p> <p>forward [2] - 16:23, 91:2</p> <p>four [1] - 79:23</p> <p>FOURTH [1] - 1:18</p> <p>Fourth [1] - 2:9</p> <p>frame [3] - 16:15, 37:6, 51:11</p> <p>freezes [1] - 53:13</p> <p>Friday [17] - 7:22, 7:25, 8:9, 8:16, 9:3, 9:4, 9:11, 9:15, 10:19, 10:22, 12:10, 12:15, 12:23, 13:4, 13:8, 19:10, 22:16</p> <p>front [2] - 30:3, 78:19</p> <p>frozen [4] - 91:4, 91:7, 91:9, 91:12</p> <p>frustrating [1] - 92:7</p> <p>fully [1] - 95:17</p> <p>FURTHER [1] - 89:11</p> <p>future [3] - 11:5, 33:16</p>
<p>E</p>		<p>F</p>	
<p>e-mail [26] - 11:22, 14:23, 15:10, 15:17, 15:21, 18:2, 18:3, 18:8, 29:10, 32:16, 34:11, 48:20, 48:21, 48:23, 49:25, 50:10, 50:25, 64:16, 64:17, 64:18, 64:20, 65:14, 65:15, 65:25, 66:3, 67:19</p> <p>e-mailed [1] - 15:2</p> <p>e-mails [8] - 10:8, 11:24, 15:14, 64:8, 66:9, 77:7, 77:16, 77:23</p> <p>E4 [2] - 36:3, 36:13</p> <p>effect [1] - 88:14</p> <p>effective [1] - 36:25</p> <p>effort [1] - 24:14</p> <p>Eight [1] - 2:3</p> <p>eight [14] - 8:1, 8:4, 9:11, 9:15, 10:17, 10:18, 10:22, 12:10, 12:15, 12:23, 13:4, 13:8, 22:16, 80:19</p> <p>either [4] - 24:22, 28:16, 28:18, 83:24</p> <p>electronically [1] - 95:23</p> <p>Emberwood [2] - 46:21, 47:14</p> <p>employed [6] - 35:22, 66:18, 71:13, 71:18, 81:15, 81:20</p> <p>Employee [2] - 29:6, 83:6</p> <p>employee [12] - 6:8, 6:16, 7:8, 20:16, 22:8, 26:15, 52:15, 58:3, 60:3, 67:23, 71:21, 86:5</p> <p>employees [5] - 7:9, 8:8, 20:1, 66:24, 67:4</p> <p>employer [5] - 13:20, 14:15, 21:17, 52:1, 65:5</p> <p>employer's [1] - 20:22</p> <p>employers [1] - 24:4</p> <p>employment [17] - 6:7,</p>		<p>facility [2] - 31:23, 31:24</p> <p>fact [9] - 13:15, 22:12, 37:10, 48:7, 89:19, 89:21, 90:1, 90:23, 93:10</p> <p>factory [1] - 60:10</p> <p>Fair [2] - 18:18, 84:10</p> <p>fair [4] - 9:6, 49:3, 50:22, 76:13</p> <p>falsi [3] - 5:22, 5:24, 6:1</p> <p>familiar [3] - 39:18, 70:3, 80:17</p> <p>far [2] - 39:3, 43:17</p> <p>faster [1] - 33:1</p> <p>favor [2] - 67:1, 67:16</p> <p>favours [1] - 67:6</p> <p>fear [2] - 86:4, 86:5</p> <p>February [1] - 95:25</p> <p>federal [12] - 14:1, 14:20, 15:19, 16:18, 17:10, 18:14, 18:18, 57:2, 57:4, 82:2, 84:4, 84:5</p> <p>feedback [1] - 82:18</p> <p>Fetter [31] - 7:5, 10:9, 10:23, 13:1, 13:2, 13:15, 19:2, 19:16, 23:7, 23:8, 33:4, 35:13, 48:14, 48:20, 49:21, 50:1, 50:5, 50:10, 51:25, 52:3, 55:2, 57:23, 57:24, 72:24, 77:3, 79:22, 86:2, 86:12, 86:21, 89:18, 90:2</p> <p>Fetter's [1] - 49:16</p> <p>few [2] - 24:2, 85:14</p> <p>field [1] - 87:17</p> <p>figure [1] - 44:20</p> <p>file [5] - 16:18, 17:14, 18:14, 84:2, 84:8</p> <p>filed [10] - 18:23, 69:2, 69:15, 73:1, 82:2, 82:3, 82:9, 82:11, 83:22, 84:10</p> <p>filing [2] - 4:5, 18:18</p> <p>finally [1] - 55:13</p> <p>fine [6] - 27:18, 32:1, 73:14, 84:14, 85:3, 91:17</p> <p>finish [3] - 20:25, 21:11, 37:14</p> <p>finished [2] - 21:9, 85:15</p>	<p>G</p>
			<p>gears [1] - 47:23</p> <p>gentlemen [1] - 23:17</p> <p>Georgia [3] - 42:9, 90:9, 93:4</p> <p>given [10] - 12:8, 24:10, 33:15, 34:12, 42:19, 43:16, 45:9, 67:6, 67:8, 76:3</p> <p>goal [3] - 90:11, 90:12, 90:16</p> <p>Golf [3] - 70:4, 70:9, 71:5</p> <p>golf [1] - 70:5</p>

RICHARD SZABO

5

<p>Google [4] - 80:16, 80:17, 81:1, 81:13 gosh [3] - 17:1, 62:7, 79:24 Goss [1] - 95:23 GOSS [4] - 1:14, 95:3, 95:12, 95:24 government [4] - 26:2, 56:10, 57:3, 84:4 grateful [3] - 67:11, 68:9 Greg [16] - 4:16, 15:2, 29:9, 30:4, 30:12, 30:25, 62:24, 65:1, 68:21, 69:19, 70:20, 73:14, 73:18, 85:1, 91:21, 94:5 GREGORY [1] - 2:8 Group [1] - 17:18 GROUP [1] - 2:2 Group's [1] - 18:6 gstapp@staplaw.net [1] - 2:10 guess [8] - 16:19, 34:4, 41:10, 42:9, 54:23, 56:6, 56:16, 75:25 guessed [1] - 46:13 guy [2] - 29:18, 72:22 guys [5] - 16:25, 29:3, 60:12, 85:8, 93:24</p>	<p>help [10] - 7:1, 18:13, 24:12, 25:6, 25:23, 30:20, 39:10, 40:19, 42:25, 55:9 helped [1] - 55:3 helpful [1] - 58:6 helping [3] - 25:18, 54:24, 61:11 hereby [2] - 4:3, 95:6 hereunto [1] - 95:20 herself [3] - 61:20, 62:1, 62:20 himself [2] - 23:7, 74:23 hire [1] - 26:15 hired [7] - 7:5, 7:19, 15:23, 22:7, 35:25, 67:13, 88:4 hiring [1] - 26:5 history [1] - 5:13 HOLA [1] - 56:17 Home [1] - 47:14 home [4] - 11:9, 12:2, 60:11, 90:18 honest [2] - 38:3, 38:7 honor [1] - 38:18 honored [3] - 38:25, 39:2, 39:4 hope [1] - 49:24 hot [1] - 61:6 hotel [2] - 43:3, 43:10 hour [11] - 20:3, 20:4, 20:8, 20:10, 20:12, 21:3, 21:21, 22:3, 22:4, 22:10 hourly [7] - 21:17, 22:2, 52:15, 52:16, 52:18, 87:10, 87:12 hours [28] - 6:15, 6:19, 7:2, 7:20, 7:24, 8:13, 10:18, 54:2, 66:15, 74:5, 74:6, 74:8, 75:9, 75:23, 77:4, 78:20, 78:21, 78:22, 78:23, 78:25, 79:9, 80:5, 80:10, 80:14, 88:2, 88:13, 88:14 hundred [1] - 81:18 hurt [1] - 61:12 hyphen [1] - 40:16</p>	<p>37:25, 38:13, 38:14, 38:25 increases [1] - 43:18 indicate [2] - 36:11, 88:1 indicated [1] - 20:2 indicates [1] - 74:4 indications [1] - 68:22 individual [1] - 26:23 individuals [7] - 22:24, 23:14, 27:23, 49:21, 50:12, 55:19, 72:18 Industries [69] - 13:10, 14:24, 15:18, 16:18, 17:15, 18:19, 19:3, 20:5, 20:20, 21:6, 22:14, 22:19, 22:22, 22:25, 28:18, 29:21, 33:5, 37:21, 39:4, 40:15, 41:23, 45:7, 46:14, 47:9, 47:24, 48:3, 48:14, 50:16, 51:20, 51:25, 52:7, 54:9, 54:18, 63:16, 63:20, 64:2, 64:23, 65:10, 65:16, 65:25, 66:7, 66:11, 67:21, 69:25, 71:6, 71:14, 71:18, 71:20, 72:1, 72:4, 74:9, 75:10, 75:22, 76:10, 76:24, 77:3, 78:11, 81:15, 81:22, 83:7, 83:15, 83:23, 84:3, 84:8, 89:15, 89:20, 93:2, 93:3, 93:17 INDUSTRIES [1] - 1:9 Industries' [4] - 32:5, 44:17, 65:16, 69:22 Industry [1] - 68:16 information [7] - 5:18, 18:7, 63:24, 64:3, 64:9, 66:8, 79:5 initial [1] - 18:9 initiated [1] - 68:14 instance [1] - 32:16 instances [2] - 9:17, 51:18 instead [3] - 9:24, 9:25, 88:1 Institute [1] - 56:24 intend [1] - 84:15 intention [2] - 93:6, 93:8 interested [2] - 50:8, 51:1 interrogatories [1] - 5:19 interrupt [1] - 56:20 interrupting [1] - 38:22 interruptions [1] - 94:2 interview [2] - 15:22, 16:13 intuition [1] - 56:5 involved [1] - 5:16 involving [1] - 5:24 irrelevant [1] - 68:8 ISO [3] - 56:14, 56:16, 56:21 issue [2] - 29:1, 63:5 issued [3] - 88:7, 88:8 issues [2] - 56:9, 56:21 items [4] - 43:13, 43:22, 88:1, 88:12 itinerary [1] - 11:25</p>	<p>itself [1] - 56:15</p> <p style="text-align: center;">J</p> <p>January [3] - 33:14, 35:25, 81:21 Jason [21] - 7:5, 8:19, 8:23, 9:18, 9:19, 10:23, 13:1, 13:2, 13:6, 13:15, 19:16, 38:17, 45:4, 46:12, 51:25, 57:23, 58:9, 59:19, 71:22, 81:2, 86:21 job [26] - 16:13, 20:16, 21:7, 21:9, 21:13, 22:6, 23:8, 23:25, 24:21, 25:11, 25:19, 26:4, 26:9, 26:10, 26:20, 27:2, 27:14, 27:22, 28:3, 28:6, 28:18, 28:19, 34:4, 59:24, 87:15, 90:24 jobs [4] - 24:3, 82:17, 87:10, 87:12 John [5] - 2:4, 58:8, 58:16 join [1] - 40:13 judge [1] - 69:14 judgment [3] - 54:8, 54:9, 54:17 July [5] - 34:18, 34:20, 36:8, 64:16, 95:21 JUNE [1] - 1:16 jury [1] - 15:5 justifiable [3] - 82:18, 83:4, 83:11</p>
<p style="text-align: center;">H</p> <p>HALL [1] - 1:24 hand [3] - 61:3, 61:6, 95:21 handbook [9] - 7:8, 7:12, 7:15, 76:9, 76:12, 76:18, 76:19, 76:21, 76:22 hands [9] - 55:14, 56:1, 56:4, 57:16, 57:21, 58:1, 58:14, 59:5, 59:9 hands-on [9] - 55:14, 56:1, 56:4, 57:16, 57:21, 58:1, 58:14, 59:5, 59:9 handwriting [3] - 38:17, 41:21, 45:2 handwritten [2] - 38:12, 75:8 Hang [1] - 12:4 hang [3] - 49:24, 50:1, 53:4 hard [1] - 22:20 Haul [6] - 3:14, 41:15, 41:16, 41:18, 42:1, 42:14 heads [1] - 11:12 hear [7] - 15:6, 16:2, 31:10, 73:23, 75:6, 91:11, 92:24 heard [2] - 63:11, 63:12 hearing [2] - 85:13, 89:24 HEATHER [4] - 1:14, 95:3, 95:12, 95:24 Heather [1] - 95:23 heavy [2] - 62:2, 62:6 held [2] - 12:20, 31:3</p>	<p style="text-align: center;">I</p> <p>idea [4] - 48:15, 49:15, 49:16, 49:17 ill [2] - 89:19, 90:3 important [2] - 4:24, 26:13 improperly [2] - 13:15, 67:24 inaudible [1] - 8:25 INC [3] - 1:10, 1:23, 2:8 include [1] - 75:7 including [1] - 37:19 inclusive [1] - 47:12 incorrectly [1] - 24:18 increase [6] - 36:3, 36:8,</p>	<p>initial [1] - 18:9 initiated [1] - 68:14 instance [1] - 32:16 instances [2] - 9:17, 51:18 instead [3] - 9:24, 9:25, 88:1 Institute [1] - 56:24 intend [1] - 84:15 intention [2] - 93:6, 93:8 interested [2] - 50:8, 51:1 interrogatories [1] - 5:19 interrupt [1] - 56:20 interrupting [1] - 38:22 interruptions [1] - 94:2 interview [2] - 15:22, 16:13 intuition [1] - 56:5 involved [1] - 5:16 involving [1] - 5:24 irrelevant [1] - 68:8 ISO [3] - 56:14, 56:16, 56:21 issue [2] - 29:1, 63:5 issued [3] - 88:7, 88:8 issues [2] - 56:9, 56:21 items [4] - 43:13, 43:22, 88:1, 88:12 itinerary [1] - 11:25</p>	<p style="text-align: center;">K</p> <p>keep [5] - 21:3, 21:13, 70:23, 75:12, 76:8 keeping [5] - 21:8, 31:19, 75:8, 78:9 keeps [1] - 80:18 Kennedy [1] - 2:4 kept [2] - 31:15, 76:12 key [1] - 8:14 kid [1] - 61:3 kids [2] - 60:11, 60:14 Kimberly [6] - 19:3, 27:21, 71:22, 84:21, 84:23, 84:24 kind [16] - 5:9, 5:24, 6:1, 10:8, 11:21, 45:22, 52:25, 75:19, 75:22, 76:8, 76:10, 76:23, 77:1, 78:3, 78:5, 84:5 kinds [1] - 43:1 kitchen [1] - 60:14 knowledge [2] - 7:14, 57:5 KRAMER [38] - 2:3, 14:4, 14:10, 15:1, 29:9, 29:12, 29:15, 30:6, 30:12, 30:19, 30:25, 31:6, 62:24, 63:2,</p>

RICHARD SZABO

6

64:6, 65:1, 65:18, 68:20, 69:5, 69:10, 69:19, 70:20, 70:23, 73:14, 73:18, 74:21, 85:1, 85:14, 85:21, 91:4, 91:14, 91:21, 92:1, 92:11, 92:17, 93:21, 94:3, 94:5 Kramer [6] - 3:4, 5:3, 18:9, 74:11, 75:19, 79:16	live [1] - 90:21 lives [2] - 90:7, 90:9 living [1] - 65:4 LLC [2] - 1:9, 2:2 loan [3] - 40:20, 40:22, 47:11 local [1] - 50:6 locate [2] - 7:16, 18:14 located [1] - 93:16 location [3] - 9:3, 27:1, 32:5 logic [2] - 9:2, 9:5 look [5] - 13:23, 50:25, 67:5, 73:8, 73:11 looked [5] - 33:14, 34:22, 38:12, 49:20, 49:25 looking [3] - 44:24, 74:1, 74:6 looks [23] - 32:7, 34:16, 34:18, 36:2, 36:24, 39:4, 41:15, 41:16, 41:25, 45:1, 45:23, 46:9, 46:22, 46:23, 47:2, 48:12, 49:1, 50:5, 50:20, 51:12, 63:14, 91:4 loop [1] - 35:4 lose [2] - 30:11, 45:17 lost [2] - 65:13, 66:14 Louisiana [6] - 32:5, 42:9, 63:17, 83:25, 90:7, 93:11 lunch [14] - 20:3, 20:4, 20:8, 20:10, 20:12, 20:23, 21:3, 22:10, 85:22, 85:25, 86:7, 86:10, 86:13, 86:14	Maps [1] - 80:17 March [3] - 50:4, 81:10, 82:10 mark [8] - 32:18, 35:15, 38:3, 40:4, 41:13, 42:12, 45:16, 47:13 MARKED [1] - 3:7 marked [12] - 30:23, 35:14, 35:20, 39:6, 40:6, 42:14, 45:18, 47:19, 64:14, 66:1, 83:10, 83:13 Mary [7] - 5:13, 14:3, 18:9, 69:9, 74:18, 82:7, 85:13 MARY [1] - 2:3 matter [2] - 82:2, 84:16 mean [28] - 7:1, 9:2, 20:15, 21:22, 24:19, 25:16, 27:5, 28:21, 32:7, 36:7, 51:16, 56:20, 65:8, 67:18, 69:13, 69:14, 71:19, 72:13, 75:17, 76:3, 76:20, 78:16, 80:10, 80:12, 85:3, 86:1, 87:19 meaning [1] - 40:25 means [6] - 5:23, 5:24, 8:14, 19:18, 26:14, 54:14 meant [1] - 55:10 Megan [20] - 8:5, 9:9, 12:9, 19:4, 27:21, 53:24, 54:7, 54:20, 55:7, 58:25, 59:1, 59:3, 59:8, 59:19, 63:7, 77:4, 84:20, 84:22, 84:24 members [1] - 67:20 memoranda [1] - 76:9 memory [2] - 35:5, 53:23 mention [2] - 66:24, 88:24 mentioned [3] - 78:5, 89:21, 90:1 message [1] - 11:22 messages [1] - 10:9 messed [1] - 87:6 met [2] - 18:17, 18:22 mic [1] - 91:3 Michigan [1] - 79:25 MIDDLE [1] - 1:2 mind [2] - 28:22, 37:20 minutes [5] - 73:9, 74:6, 78:20, 78:25, 80:5 miscategorized [1] - 67:23 mischaracterized [1] - 68:5 mislabeled [1] - 67:24 misremembering [1] - 86:19 miss [1] - 85:8 Miss [2] - 5:13, 69:9 missed [1] - 35:4 misunderstood [2] - 75:3, 76:16 mkramer@phillyemploymentlaw.com [1] - 2:5 mom [3] - 90:3, 90:7, 90:21	moment [1] - 47:12 Monday [20] - 7:21, 7:24, 8:9, 8:15, 9:3, 9:4, 9:10, 9:15, 9:23, 9:25, 10:19, 10:22, 12:10, 12:15, 12:23, 13:3, 13:8, 19:6, 19:10, 22:16 money [4] - 41:1, 66:12, 67:21, 68:5 month [12] - 34:21, 35:1, 46:10, 81:1, 81:2, 81:7, 81:11, 83:14, 88:25 months [5] - 44:15, 55:8, 55:20, 81:3, 81:5 morning [1] - 19:6 most [2] - 86:6, 86:14 mother [3] - 89:16, 89:19, 93:5 motivation [1] - 15:5 move [7] - 19:5, 29:1, 46:23, 47:1, 47:5, 90:10, 93:12 move-in [1] - 46:23 moved [2] - 40:13, 46:10 moving [17] - 19:21, 40:10, 40:12, 41:3, 41:15, 41:17, 42:8, 42:18, 43:20, 44:22, 45:1, 45:5, 47:11, 47:17, 66:20, 88:5, 93:4 Moving [1] - 40:15 multiple [5] - 16:5, 16:7, 16:23, 16:24, 17:2 MUNCY [2] - 1:9, 1:9 Muncy [110] - 5:16, 6:8, 13:10, 14:24, 15:10, 15:18, 16:18, 17:15, 18:19, 19:3, 20:5, 20:20, 21:6, 22:14, 22:15, 22:18, 22:22, 22:25, 26:21, 28:18, 29:21, 31:15, 32:5, 33:5, 37:21, 39:4, 39:10, 40:15, 41:23, 43:8, 43:16, 43:21, 44:17, 45:7, 46:14, 47:9, 47:24, 48:3, 48:13, 49:13, 50:16, 51:9, 51:20, 51:25, 52:7, 54:9, 54:18, 56:11, 56:15, 59:18, 63:8, 63:16, 63:20, 63:23, 64:2, 64:23, 65:4, 65:10, 65:16, 65:25, 66:1, 66:3, 66:7, 66:9, 66:11, 67:20, 68:16, 69:3, 69:17, 69:22, 69:25, 70:1, 71:5, 71:14, 71:18, 71:20, 72:1, 72:4, 72:16, 74:9, 75:9, 75:22, 76:10, 76:20, 76:21, 76:24, 77:3, 78:11, 80:6, 81:15, 81:22, 83:7, 83:15, 83:23, 84:3, 84:8, 87:9, 87:15, 87:25, 88:17, 89:1, 89:3, 89:15, 89:20, 90:25, 93:2, 93:3, 93:16 Muncy's [1] - 72:9
L	M		
labor [1] - 67:25 Labor [2] - 18:19, 84:10 laboratory [1] - 56:12 Lafayette [1] - 42:9 landline [2] - 92:7, 92:8 language [1] - 7:11 laptop [9] - 63:23, 63:24, 64:3, 64:4, 64:7, 64:8, 66:7, 66:21, 88:8 last [7] - 23:20, 23:21, 72:22, 72:24, 85:7, 88:13, 88:16 LAW [3] - 1:17, 2:2, 2:8 law [10] - 13:16, 14:1, 14:20, 15:19, 17:23, 26:1, 26:13, 67:22, 67:25 Law [3] - 17:18, 17:19, 18:6 lawsuit [10] - 16:18, 17:11, 17:14, 18:14, 18:18, 18:23, 69:2, 69:15, 73:2, 83:20 lawyer [2] - 17:22, 18:1 lay [1] - 35:12 leader [1] - 28:12 leading [1] - 62:16 lean [1] - 91:2 learn [2] - 24:21, 60:13 learned [2] - 28:3, 55:18 learning [4] - 57:20, 57:25, 58:13, 59:4 least [5] - 19:1, 33:19, 37:13, 39:4, 66:17 leave [4] - 9:23, 9:25, 11:10, 12:1 leaving [8] - 65:10, 65:16, 89:3, 89:15, 89:20, 90:3, 90:7, 90:25 left [10] - 37:21, 58:16, 64:23, 65:25, 83:14, 88:16, 88:25, 92:5, 93:2, 93:3 less [3] - 17:7, 17:8, 17:17 Letter [2] - 3:11, 35:19 letter [1] - 35:21 level [1] - 39:1 Lifting [5] - 50:11, 50:12, 50:18, 51:8 lines [1] - 49:11 Lisonring [2] - 58:8, 58:11 literally [2] - 86:4, 92:6 litigation [1] - 10:2	Machine [1] - 31:15 machine [1] - 62:6 MACHINE [1] - 1:9 machines [1] - 87:20 mad [1] - 86:5 MADE [1] - 3:21 magazine [2] - 49:12, 49:13 mail [26] - 11:22, 14:23, 15:10, 15:17, 15:21, 18:2, 18:3, 18:8, 29:10, 32:16, 34:11, 48:20, 48:21, 48:23, 49:25, 50:10, 50:25, 64:16, 64:17, 64:18, 64:20, 65:14, 65:15, 65:25, 66:3, 67:19 Mailchimp [4] - 48:13, 48:16, 49:2, 49:5 mailed [1] - 15:2 mails [8] - 10:8, 11:24, 15:14, 64:8, 66:9, 77:7, 77:16, 77:23 main [2] - 87:15, 87:21 man [4] - 29:18, 65:11, 67:22, 67:25 manager [2] - 46:7, 58:9 manner [1] - 64:1		

RICHARD SZABO

7

<div>MUNCY-000076^[1] - 3:13</div> <div>MUNCY-000079^[1] - 3:11</div> <div>MUNCY-000131^[1] - 3:9</div> <div>MUNCY-001117^[1] - 3:17</div> <div>MUNCY-118^[1] - 3:18</div> <div>MUNCY-121^[1] - 3:15</div> <div>Murphy^[5] - 17:18, 17:19, 17:21, 18:6, 18:8</div> <div>MURPHY^[1] - 2:2</div> <div>mutual^[1] - 16:19</div>	O	P	25:10, 26:3, 26:5, 26:6, 26:10, 30:3, 51:7, 54:24, 55:2, 86:13
N	<div>o'clock^[2] - 13:4, 22:4</div> <div>oaths^[1] - 95:4</div> <div>object^[2] - 15:1, 30:6</div> <div>objection^[1] - 74:16</div> <div>objections^[1] - 4:6</div> <div>obtain^[2] - 47:25, 49:22</div> <div>occasional^[2] - 7:22, 43:3</div> <div>occasionally^[1] - 85:23</div> <div>occasions^[1] - 20:6</div> <div>occurred^[1] - 49:20</div> <div>OF^[7] - 1:2, 1:12, 2:6, 2:11, 3:2, 95:1, 95:2</div> <div>Offer^[2] - 3:11, 35:19</div> <div>offer^[2] - 35:21, 51:24</div> <div>offering^[1] - 40:20</div> <div>office^[7] - 8:2, 11:20, 14:11, 14:13, 63:9, 86:13, 86:15</div> <div>official^[1] - 38:11</div> <div>older^[1] - 33:3</div> <div>ON^[3] - 2:6, 2:11, 3:21</div> <div>once^[5] - 28:3, 28:12, 37:14, 53:14, 81:25</div> <div>one^[64] - 8:25, 12:4, 23:3, 23:6, 24:6, 25:5, 28:18, 30:2, 30:22, 33:3, 33:4, 33:13, 33:19, 34:11, 34:16, 34:18, 34:20, 34:21, 35:15, 36:24, 37:15, 38:7, 38:8, 38:10, 41:13, 45:16, 45:21, 46:19, 48:7, 48:12, 49:24, 51:24, 53:2, 53:21, 55:2, 56:6, 56:19, 56:20, 59:3, 59:8, 59:12, 59:13, 64:24, 65:21, 66:25, 71:15, 72:22, 73:8, 76:20, 79:18, 80:22, 80:25, 81:1, 81:2, 81:18, 83:17, 84:11, 85:7, 86:3, 87:21, 88:12</div> <div>ones^[1] - 33:16</div> <div>online^[2] - 76:2, 76:3</div> <div>open^[1] - 27:15</div> <div>order^[2] - 34:17, 42:1</div> <div>organization^[1] - 57:2</div> <div>otherwise^[2] - 14:13, 68:10</div> <div>outside^[6] - 10:17, 10:22, 13:3, 13:7, 22:16, 66:14</div> <div>oven^[3] - 61:4, 61:6, 61:7</div> <div>overheated^[1] - 91:23</div> <div>overtime^[8] - 22:13, 52:18, 65:13, 72:9, 72:14, 72:16, 72:19</div> <div>owed^[5] - 66:16, 66:19, 68:5, 77:25, 80:12</div> <div>owes^[2] - 66:12, 67:21</div> <div>own^[1] - 80:15</div>	<div>p.m^[2] - 9:11, 94:9</div> <div>PA^[4] - 1:19, 1:24, 2:4, 2:9</div> <div>page^[3] - 34:19, 35:11, 49:12</div> <div>Page^[3] - 29:5, 32:10, 50:2</div> <div>Pages^[4] - 3:14, 3:18, 42:14, 47:19</div> <div>pages^[1] - 5:14</div> <div>PAGES^[1] - 3:22</div> <div>paid^[54] - 6:11, 6:18, 7:2, 7:5, 7:6, 7:9, 9:7, 13:9, 13:14, 13:25, 14:19, 20:9, 21:15, 21:17, 21:19, 21:20, 22:2, 22:3, 22:9, 22:13, 22:15, 29:12, 32:13, 32:17, 32:21, 33:25, 40:22, 41:16, 42:18, 43:13, 43:16, 43:21, 44:1, 45:5, 45:6, 45:9, 45:11, 47:18, 52:19, 52:23, 53:8, 53:9, 53:21, 67:10, 67:24, 68:1, 72:14, 75:24, 87:10</div> <div>pan^[1] - 60:18</div> <div>paragraph^[3] - 80:3, 82:20, 82:22</div> <div>Paragraph^[5] - 74:7, 78:17, 79:17, 82:15, 82:24</div> <div>Paragraphs^[1] - 74:4</div> <div>paralegal^[1] - 18:5</div> <div>parse^[1] - 85:7</div> <div>part^[14] - 15:3, 21:24, 27:2, 27:13, 46:17, 47:10, 47:17, 49:25, 54:23, 55:13, 57:2, 62:22, 80:2, 90:5</div> <div>partaking^[1] - 16:19</div> <div>partial^[1] - 40:12</div> <div>particular^[1] - 80:3</div> <div>parties^[1] - 4:4</div> <div>parts^[1] - 55:14</div> <div>pass^[2] - 55:9, 55:20</div> <div>past^[4] - 13:22, 20:2, 21:9, 22:9</div> <div>pay^[16] - 9:1, 35:13, 39:7, 41:1, 41:2, 41:4, 43:14, 43:24, 44:4, 45:15, 46:15, 47:4, 67:2, 75:22, 78:6, 78:22</div> <div>paying^[3] - 43:8, 43:9, 76:1</div> <div>payment^[5] - 40:16, 41:15, 41:23, 46:17, 46:25</div> <div>payments^[1] - 41:14</div> <div>Penn^[1] - 2:3</div> <div>PENNSYLVANIA^[2] - 1:2, 95:2</div> <div>Pennsylvania^[4] - 16:13, 83:25, 93:16, 95:5</div> <div>people^[13] - 13:21, 23:6,</div>	<div>25:10, 26:3, 26:5, 26:6, 26:10, 30:3, 51:7, 54:24, 55:2, 86:13</div> <div>per^[2] - 66:17, 88:3</div> <div>percent^[3] - 9:13, 81:18, 87:19</div> <div>perform^[6] - 24:12, 24:25, 25:6, 36:4, 36:14, 61:12</div> <div>performed^[1] - 82:17</div> <div>performing^[2] - 34:3, 61:21</div> <div>period^[2] - 78:23, 82:19</div> <div>person^[9] - 11:19, 13:24, 14:18, 18:9, 19:24, 27:1, 55:17, 68:12, 86:24</div> <div>person's^[1] - 18:7</div> <div>personal^[2] - 44:7, 44:12</div> <div>personally^[1] - 44:4</div> <div>perspective^[4] - 25:24, 31:16, 42:25, 87:21</div> <div>Phil^[7] - 14:16, 14:18, 15:17, 16:9, 18:4, 18:13, 18:17</div> <div>Philadelphia^[1] - 2:4</div> <div>Philip^[3] - 68:13, 69:16, 69:18</div> <div>phone^[16] - 11:3, 11:19, 21:18, 22:5, 44:1, 44:4, 44:8, 44:11, 44:16, 66:21, 67:7, 87:24, 88:7, 88:23, 91:23</div> <div>phones^[1] - 66:25</div> <div>phonetic^[1] - 92:2</div> <div>pickup^[1] - 79:21</div> <div>picture^[4] - 70:12, 70:19, 71:3, 89:5</div> <div>piled^[1] - 86:10</div> <div>PLACE^[1] - 1:17</div> <div>place^[1] - 93:11</div> <div>Plaintiff^[1] - 78:19</div> <div>PLAINTIFFS^[2] - 1:7, 2:6</div> <div>Plaintiffs^[2] - 82:17, 83:3</div> <div>plan^[1] - 11:4</div> <div>plans^[1] - 12:17</div> <div>plant^[1] - 58:8</div> <div>plenty^[2] - 30:1, 30:4</div> <div>point^[14] - 28:4, 28:7, 28:11, 36:9, 36:18, 48:7, 48:12, 50:16, 50:22, 51:24, 61:7, 84:16, 87:25, 88:19</div> <div>policy^[3] - 67:2, 67:3, 67:6</div> <div>position^[1] - 54:9</div> <div>positive^[1] - 82:18</div> <div>possession^[4] - 46:12, 77:6, 77:8, 77:22</div> <div>possible^[5] - 10:16, 28:21, 47:4, 51:10, 52:9</div> <div>possibly^[2] - 46:15, 66:3</div> <div>potential^[2] - 49:6, 50:3</div> <div>prepare^[1] - 57:8</div> <div>prepared^[1] - 59:9</div> <div>pretty^[10] - 6:20, 23:21,</div>

RICHARD SZABO

8

<p>39:18, 45:8, 45:13, 46:11, 58:15, 76:1, 78:8, 86:2</p> <p>previous [3] - 4:19, 66:3, 79:2</p> <p>previously [2] - 64:14, 66:1</p> <p>Pria [2] - 79:3, 79:8</p> <p>pria [1] - 82:6</p> <p>primary [1] - 4:21</p> <p>privacy [1] - 14:3</p> <p>private [1] - 57:1</p> <p>proceeded [1] - 16:23</p> <p>proceedings [1] - 95:16</p> <p>process [5] - 26:21, 55:25, 57:10, 57:12, 62:23</p> <p>produce [2] - 10:14, 75:12</p> <p>PRODUCED [1] - 3:7</p> <p>produced [2] - 31:13, 76:2</p> <p>production [1] - 74:14</p> <p>program [4] - 22:22, 38:21, 55:13, 66:11</p> <p>promissory [1] - 40:16</p> <p>pronounce [1] - 8:5</p> <p>proof [1] - 10:3</p> <p>proper [1] - 13:20</p> <p>properly [2] - 60:19, 60:24</p> <p>prorated [2] - 46:9, 46:10</p> <p>protection [1] - 84:7</p> <p>prove [1] - 92:2</p> <p>provide [6] - 36:13, 39:10, 46:25, 74:21, 75:2, 77:10</p> <p>provided [3] - 40:12, 74:11, 75:1</p> <p>providing [1] - 67:9</p> <p>PUBLIC [1] - 1:15</p> <p>Public [3] - 95:3, 95:13, 95:24</p> <p>pull [3] - 30:2, 48:8, 48:11</p> <p>punched [1] - 63:16</p> <p>purchase [3] - 39:14, 43:1, 43:18</p> <p>purchases [1] - 43:3</p> <p>purchasing [1] - 39:11</p> <p>purpose [1] - 34:10</p> <p>purposes [1] - 40:3</p> <p>pursue [1] - 17:10</p> <p>push [1] - 20:16</p> <p>put [9] - 11:21, 33:2, 43:5, 49:12, 60:16, 61:3, 61:6, 61:20, 63:3</p> <p>putting [2] - 61:25, 62:20</p>	<p>quickly [3] - 29:1, 73:12, 92:15</p> <p>quiet [1] - 28:22</p> <p>quit [4] - 58:16, 63:19, 63:22, 64:2</p> <p>quite [1] - 36:22</p> <p>quitting [1] - 66:7</p> <p>quote [7] - 9:19, 51:1, 51:3, 78:23, 82:16, 82:19, 88:6</p> <p>quotes [4] - 50:9, 51:3, 51:7, 51:9</p>	<p>recruit [1] - 48:4</p> <p>reduced [1] - 95:14</p> <p>refer [1] - 72:23</p> <p>referring [2] - 32:9, 83:4</p> <p>reflect [1] - 32:9</p> <p>regard [3] - 4:18, 6:7, 82:1</p> <p>regarding [2] - 39:6, 49:21</p> <p>regardless [3] - 6:19, 6:23, 66:24</p> <p>registered [1] - 56:23</p> <p>regular [1] - 78:22</p> <p>reimburse [1] - 43:12</p> <p>reimbursement [2] - 40:10, 47:8</p> <p>related [10] - 29:20, 41:14, 43:5, 43:7, 44:22, 46:17, 65:24, 81:21, 83:22, 89:4</p> <p>relation [1] - 14:23</p> <p>relevant [7] - 15:4, 65:2, 68:21, 68:25, 69:4, 69:18, 70:15</p> <p>remember [19] - 33:10, 33:17, 33:18, 34:24, 34:25, 37:5, 40:18, 45:14, 46:18, 48:16, 49:9, 50:18, 51:17, 72:22, 79:1, 79:7, 79:18, 79:22, 79:24</p> <p>removed [2] - 64:8, 64:9</p> <p>rent [2] - 46:9, 46:10</p> <p>repeat [7] - 22:21, 48:2, 54:4, 68:18, 68:20, 71:15, 88:23</p> <p>repeated [1] - 16:5</p> <p>rephrase [3] - 54:13, 72:10, 88:10</p> <p>Report [5] - 3:9, 29:6, 30:23, 83:6, 83:10</p> <p>reporter [13] - 6:21, 8:7, 12:4, 13:17, 15:25, 23:18, 37:16, 41:7, 54:5, 58:21, 69:7, 89:22, 90:14</p> <p>Reporter [1] - 95:15</p> <p>REPORTING [1] - 1:23</p> <p>request [6] - 14:23, 38:25, 47:8, 67:19, 74:13, 77:13</p> <p>REQUEST [1] - 3:21</p> <p>Request [4] - 74:15, 74:20, 76:7, 78:13</p> <p>requested [4] - 9:18, 39:10, 50:9, 51:2</p> <p>require [2] - 10:24, 11:12</p> <p>resend [1] - 35:4</p> <p>reservation [2] - 42:1, 42:5</p> <p>reserved [1] - 4:7</p> <p>respective [1] - 4:4</p> <p>response [2] - 15:24, 64:5</p> <p>responsibilities [1] - 87:22</p> <p>responsible [1] - 56:20</p> <p>restate [1] - 21:23</p> <p>result [1] - 29:22</p> <p>return [1] - 12:2</p>	<p>returning [1] - 66:7</p> <p>review [8] - 5:8, 5:11, 74:23, 82:3, 82:5, 82:15, 82:20, 82:25</p> <p>reviewed [6] - 5:17, 6:5, 47:11, 63:15, 82:10, 82:21</p> <p>reviewing [1] - 46:6</p> <p>Reviewing [2] - 46:22, 83:18</p> <p>revisit [1] - 70:21</p> <p>Ric [11] - 11:2, 14:4, 29:15, 63:2, 64:6, 74:24, 78:19, 85:22, 89:9, 92:23, 93:22</p> <p>RIC [1] - 1:6</p> <p>ric@muncyindustries.com [1] - 48:24</p> <p>RICHARD [4] - 1:12, 3:3, 4:9, 95:8</p> <p>risk [3] - 62:1, 62:21, 63:5</p> <p>road [2] - 43:9, 87:20</p> <p>Roberts [5] - 52:1, 52:4, 52:6, 52:14, 52:20</p> <p>room [2] - 19:20, 19:21</p> <p>routine [1] - 81:3</p> <p>Roy [1] - 23:22</p> <p>rules [2] - 4:18, 37:15</p>
R			
<p>raise [6] - 34:2, 34:13, 34:14, 34:22, 35:7</p> <p>raises [2] - 34:8, 34:25</p> <p>rate [2] - 39:7, 78:22</p> <p>rather [1] - 9:3</p> <p>rckid1973@gmail.com [1] - 64:17</p> <p>re [1] - 40:15</p> <p>reach [2] - 51:25, 52:6</p> <p>reached [5] - 16:9, 17:18, 18:2, 18:3, 18:13</p> <p>reaching [2] - 49:22, 52:4</p> <p>read [3] - 45:23, 53:17, 78:17</p> <p>reading [4] - 4:4, 36:14, 50:7, 51:3</p> <p>reads [1] - 82:15</p> <p>ready [3] - 32:23, 92:23</p> <p>really [8] - 22:20, 32:1, 39:11, 44:23, 57:17, 73:12, 92:14, 92:15</p> <p>reason [8] - 37:9, 69:1, 69:15, 86:6, 87:13, 88:19, 90:5, 90:6</p> <p>receipt [5] - 41:25, 42:5, 45:22, 46:8, 47:13</p> <p>Receipts [4] - 3:15, 3:18, 42:14, 47:19</p> <p>receive [2] - 36:2, 87:13</p> <p>received [4] - 83:3, 83:4, 83:10, 88:18</p> <p>receiving [2] - 82:17, 88:1</p> <p>Recess [3] - 31:8, 73:17, 92:21</p> <p>recite [1] - 67:25</p> <p>recognize [8] - 29:7, 35:17, 39:16, 40:16, 42:4, 45:1, 45:24, 48:21</p> <p>recollection [2] - 38:24, 55:8</p> <p>record [12] - 21:14, 31:2, 31:3, 31:14, 32:9, 65:19, 73:25, 74:20, 77:13, 78:13, 91:19, 93:1</p> <p>RECORD [1] - 3:21</p> <p>records [6] - 32:11, 74:16, 75:6, 75:21, 78:3, 80:13</p>			
S			
<p>questions [17] - 22:21, 25:1, 25:3, 25:18, 44:22, 65:22, 73:11, 83:21, 85:12, 85:17, 86:23, 89:9, 91:18, 92:6, 92:16, 93:19, 95:11</p> <p>quick [1] - 73:15</p>			

RICHARD SZABO

9

<p>30:16, 32:18, 32:19, 34:19, 34:20, 39:25, 44:24, 49:23, 70:13, 74:19, 80:20</p> <p>send [5] - 14:23, 15:9, 15:13, 15:16, 49:6</p> <p>sending [3] - 49:1, 66:9, 67:18</p> <p>sense [2] - 40:23, 70:2</p> <p>sent [14] - 5:12, 14:24, 35:2, 38:17, 50:1, 50:10, 64:19, 65:15, 65:25, 66:3, 74:2, 74:13, 74:22, 82:14</p> <p>separate [3] - 44:8, 44:9, 44:11</p> <p>served [1] - 40:23</p> <p>services [5] - 50:8, 50:21, 51:2, 51:14, 51:22</p> <p>several [5] - 9:16, 12:16, 12:19, 13:21, 22:24</p> <p>SHANDI [1] - 1:6</p> <p>Shandi [18] - 23:10, 24:7, 25:10, 27:23, 57:12, 57:14, 58:12, 58:17, 58:19, 58:20, 58:24, 59:4, 61:19, 62:19, 72:21, 79:4, 79:23</p> <p>shape [1] - 59:25</p> <p>Share [5] - 28:24, 29:2, 30:14, 53:6, 70:13</p> <p>sharing [1] - 6:6</p> <p>Sharing [1] - 48:10</p> <p>sheets [1] - 78:3</p> <p>shift [1] - 47:23</p> <p>short [2] - 73:7, 73:13</p> <p>shortly [2] - 65:9, 65:15</p> <p>show [12] - 10:12, 10:13, 32:19, 33:2, 34:2, 35:11, 38:9, 39:15, 41:12, 48:18, 64:14, 70:12</p> <p>showed [2] - 38:5, 39:5</p> <p>showing [4] - 31:12, 35:14, 40:14, 60:15</p> <p>shows [1] - 75:23</p> <p>shrug [1] - 4:22</p> <p>sic [1] - 72:1</p> <p>sick [1] - 89:16</p> <p>side [2] - 32:2, 32:3</p> <p>sides [1] - 32:2</p> <p>sign [1] - 39:19</p> <p>signature [6] - 29:23, 30:2, 30:9, 39:23, 40:1, 47:2</p> <p>Signed [1] - 95:23</p> <p>signing [2] - 4:5, 87:22</p> <p>simple [3] - 29:25, 65:8, 66:13</p> <p>simply [1] - 87:8</p> <p>single [1] - 80:22</p> <p>sister [1] - 81:24</p> <p>site [8] - 20:22, 24:9, 26:24, 27:22, 28:7, 28:18, 28:19, 71:23</p>	<p>sites [1] - 24:4</p> <p>situation [3] - 7:22, 20:18, 66:24</p> <p>six [2] - 55:8, 55:20</p> <p>slate [1] - 41:10</p> <p>solicit [2] - 49:16, 51:13</p> <p>solicitations [1] - 49:6</p> <p>someone [14] - 24:20, 26:3, 26:8, 26:9, 26:14, 26:20, 33:4, 38:13, 56:18, 63:3, 68:10, 68:23, 70:8</p> <p>sometimes [13] - 8:4, 11:8, 11:24, 12:5, 20:2, 20:14, 27:16, 52:21, 52:22, 53:7, 53:12, 74:5, 75:11</p> <p>somewhere [4] - 17:9, 79:21, 79:25</p> <p>soon [1] - 10:16</p> <p>sorry [19] - 6:25, 16:4, 21:24, 23:9, 29:16, 32:25, 41:21, 48:2, 56:19, 64:1, 70:14, 75:16, 76:15, 77:20, 89:25, 90:16, 93:7, 94:1</p> <p>sort [1] - 18:6</p> <p>sound [4] - 41:17, 54:8, 54:17, 56:15</p> <p>sounds [2] - 26:12, 47:6</p> <p>specific [2] - 18:7, 51:18</p> <p>specifically [2] - 43:6, 49:10</p> <p>speech [1] - 92:2</p> <p>spell [1] - 23:22</p> <p>spelling [1] - 8:6</p> <p>split [1] - 80:1</p> <p>ss [2] - 95:1, 95:23</p> <p>staff [1] - 67:20</p> <p>stamp [3] - 46:20, 47:15, 50:2</p> <p>Stamped [2] - 29:5, 48:19</p> <p>stamped [2] - 32:10, 45:22</p> <p>Standards [3] - 18:19, 56:24, 84:10</p> <p>Stapp [6] - 3:4, 4:16, 74:20, 75:2, 77:13, 78:13</p> <p>STAPP [67] - 1:17, 2:8, 2:8, 3:22, 4:14, 6:22, 13:18, 14:8, 14:17, 15:4, 15:7, 16:1, 23:19, 29:19, 30:7, 30:11, 30:13, 30:21, 31:4, 31:9, 35:23, 38:23, 40:8, 41:8, 42:16, 45:20, 47:22, 53:20, 54:6, 63:6, 64:11, 65:6, 65:7, 65:21, 65:23, 68:25, 69:6, 69:13, 69:20, 71:1, 71:4, 73:6, 73:15, 73:22, 74:13, 75:4, 77:14, 78:15, 85:3, 85:6, 85:11, 85:16, 89:13, 89:23, 90:15, 91:5, 91:8, 91:11, 91:16, 91:25, 92:4, 92:13, 92:22, 93:23, 93:25, 94:4, 94:6</p>	<p>start [3] - 5:1, 27:16, 51:6</p> <p>started [4] - 8:1, 18:8, 61:19, 81:12</p> <p>starting [1] - 36:25</p> <p>starts [1] - 61:3</p> <p>state [8] - 21:14, 50:6, 56:10, 64:15, 65:11, 70:15, 83:24, 84:3</p> <p>Statement [2] - 3:16, 45:18</p> <p>statement [14] - 8:10, 9:12, 18:15, 18:16, 27:24, 34:1, 49:3, 50:22, 51:3, 54:3, 54:11, 79:11, 82:24, 83:2</p> <p>STATES [1] - 1:1</p> <p>stay [2] - 71:22, 93:10</p> <p>stayed [2] - 22:4, 40:25</p> <p>stenographer [1] - 53:17</p> <p>stenographically [1] - 95:12</p> <p>step [1] - 63:1</p> <p>stepped [3] - 62:21, 68:10, 68:12</p> <p>stick [1] - 8:3</p> <p>stickler [1] - 86:3</p> <p>still [7] - 22:6, 30:12, 53:14, 66:11, 67:20, 91:5, 91:12</p> <p>stipulated [1] - 4:3</p> <p>STIPULATION [1] - 4:1</p> <p>stood [2] - 59:23, 59:24</p> <p>stop [3] - 48:10, 62:15, 62:21</p> <p>straight [1] - 90:1</p> <p>STREET [2] - 1:18, 1:24</p> <p>Street [1] - 2:9</p> <p>structure [1] - 32:14</p> <p>structures [1] - 33:19</p> <p>stub [1] - 76:3</p> <p>stubs [2] - 75:22, 78:6</p> <p>stuff [9] - 27:15, 28:25, 30:15, 30:22, 66:23, 76:4, 78:9, 78:10, 81:24</p> <p>submitted [2] - 41:23, 45:4</p> <p>subscribed [2] - 49:14, 95:21</p> <p>successfully [1] - 36:4</p> <p>sue [1] - 15:17</p> <p>suggest [1] - 61:8</p> <p>suggested [2] - 48:7, 48:13</p> <p>SUITE [1] - 1:18</p> <p>Suite [1] - 2:3</p> <p>Sunday [12] - 8:20, 8:24, 9:24, 9:25, 10:1, 11:10, 19:5, 52:25, 53:13, 79:6, 79:7</p> <p>supervise [6] - 24:8, 24:11, 27:22, 28:6, 57:14, 58:11</p> <p>supervises [1] - 26:14</p> <p>supervising [10] - 57:9, 57:19, 58:5, 58:19, 58:24, 59:3, 59:13, 60:20, 62:9, 63:4</p>	<p>supervision [8] - 25:17, 25:20, 25:25, 57:25, 60:6, 60:8, 61:14, 62:11</p> <p>supervisor [13] - 10:23, 25:22, 26:4, 26:7, 26:22, 57:11, 58:7, 58:9, 59:25, 61:2, 62:16, 62:18, 63:5</p> <p>supervisory [3] - 26:5, 59:21, 61:17</p> <p>sworn [2] - 4:10, 95:10</p> <p>SZABO [5] - 1:6, 1:12, 3:3, 4:9, 95:8</p> <p>Szabo [22] - 4:15, 5:21, 22:20, 29:12, 30:8, 31:10, 35:18, 51:19, 53:4, 63:19, 64:15, 64:19, 66:1, 73:23, 78:19, 83:19, 85:12, 89:15, 91:3, 91:6, 91:11, 93:19</p> <p>Szabo's [1] - 91:7</p>
T			
<p>tackled [1] - 27:5</p> <p>tackling [1] - 27:16</p> <p>TAKEN [1] - 1:13</p> <p>talks [1] - 76:7</p> <p>task [4] - 25:7, 60:3, 61:12, 61:21</p> <p>tasks [2] - 57:20, 57:25</p> <p>taught [3] - 22:24, 23:10, 86:21</p> <p>tax [3] - 78:6, 78:9, 78:10</p> <p>teach [7] - 23:7, 23:11, 23:15, 25:14, 26:10, 60:10, 87:1</p> <p>teacher [1] - 60:24</p> <p>teaching [9] - 26:9, 59:8, 60:2, 60:15, 60:21, 60:23, 61:15, 87:3, 87:8</p> <p>team [3] - 5:12, 24:14, 28:12</p> <p>teammates [1] - 28:4</p> <p>technician [6] - 20:19, 28:13, 54:10, 54:18, 61:20, 87:16</p> <p>technicians [5] - 28:13, 72:3, 72:8, 72:16, 72:20</p> <p>technique [1] - 24:24</p> <p>techniques [2] - 23:11, 23:16</p> <p>ten [5] - 17:7, 17:8, 17:9, 73:9</p> <p>test [14] - 20:23, 21:5, 50:24, 55:12, 55:14, 55:25, 56:4, 57:9, 57:16, 57:21, 58:1, 58:13, 59:5, 59:10</p> <p>testified [8] - 4:10, 9:9, 20:1, 53:24, 54:7, 55:7, 69:1, 83:19</p> <p>TESTIMONY [1] - 3:2</p> <p>testimony [11] - 12:8, 12:12, 20:7, 27:20, 28:15, 28:17,</p>			

RICHARD SZABO

10

<p>39:3, 63:10, 69:6, 95:7, 95:20</p> <p>Testing [1] - 56:25</p> <p>text [2] - 10:9, 11:22</p> <p>THE [13] - 1:1, 2:11, 14:2, 14:7, 14:14, 29:16, 38:19, 69:9, 69:12, 70:22, 74:25, 93:24, 94:1</p> <p>theft [2] - 5:25</p> <p>theirs [2] - 44:12, 44:14</p> <p>thinking [2] - 52:2, 88:23</p> <p>three [5] - 23:2, 55:8, 55:19, 55:21, 67:2</p> <p>Throughout [1] - 82:16</p> <p>throughout [2] - 11:4, 52:3</p> <p>ticket [1] - 43:4</p> <p>Timeline [3] - 80:16, 81:1, 81:14</p> <p>timeline [1] - 80:18</p> <p>tires [1] - 43:5</p> <p>titled [1] - 40:15</p> <p>today [12] - 6:5, 28:17, 37:16, 38:6, 40:4, 43:17, 66:6, 69:1, 80:4, 80:11, 83:5, 83:20</p> <p>today's [2] - 5:5, 5:9</p> <p>together [3] - 35:7, 47:14, 79:24</p> <p>tonight [2] - 60:10, 60:12</p> <p>took [8] - 55:8, 55:16, 79:5, 79:18, 80:21, 81:20, 86:14, 90:23</p> <p>Tool [1] - 31:15</p> <p>TOOL [1] - 1:10</p> <p>top [3] - 29:4, 30:16, 30:21</p> <p>total [3] - 7:7, 23:1, 37:1</p> <p>totally [1] - 91:8</p> <p>touch [1] - 61:7</p> <p>towards [2] - 19:19, 19:20</p> <p>town [2] - 93:13, 93:14</p> <p>Toyota [1] - 39:20</p> <p>track [1] - 45:17</p> <p>train [1] - 26:8</p> <p>trained [3] - 28:5, 28:16, 55:17</p> <p>trainer [2] - 25:21, 26:2</p> <p>training [12] - 24:20, 26:8, 27:25, 28:1, 55:9, 55:20, 57:7, 57:10, 57:11, 57:15, 62:22, 63:5</p> <p>trains [1] - 26:3</p> <p>transcript [1] - 95:19</p> <p>travel [33] - 5:13, 8:4, 8:9, 8:12, 8:15, 8:20, 8:24, 9:4, 9:7, 9:10, 9:15, 10:10, 11:2, 11:13, 12:1, 12:9, 12:15, 12:23, 13:3, 19:4, 19:9, 19:10, 22:15, 42:22, 43:20, 52:19, 53:7, 53:13, 53:21, 53:25, 72:1, 72:4</p>	<p>traveled [8] - 8:2, 22:15, 54:1, 67:5, 67:7, 72:19, 79:10, 86:15</p> <p>traveling [3] - 13:7, 42:19, 81:12</p> <p>trial [3] - 4:7, 84:16, 95:6</p> <p>tried [8] - 19:7, 23:10, 47:25, 48:4, 48:13, 53:9, 63:7, 91:22</p> <p>trip [9] - 11:5, 12:3, 79:5, 79:18, 79:19, 81:19, 81:23</p> <p>trips [4] - 19:20, 80:23, 81:2, 81:23</p> <p>truck [1] - 79:21</p> <p>true [7] - 10:20, 33:23, 36:10, 42:4, 59:7, 59:11, 79:11</p> <p>try [14] - 6:5, 8:3, 8:5, 19:2, 22:20, 26:11, 28:23, 29:2, 30:17, 48:8, 49:16, 49:22, 52:7, 67:16</p> <p>trying [7] - 25:11, 29:24, 32:1, 44:20, 50:15, 70:18, 77:24</p> <p>turn [1] - 45:25</p> <p>turned [5] - 45:25, 63:23, 64:3, 64:4, 64:7</p> <p>twist [1] - 26:17</p> <p>two [19] - 9:1, 17:3, 23:4, 23:14, 34:25, 38:5, 40:25, 41:13, 50:10, 55:14, 56:15, 56:16, 64:25, 65:21, 67:1, 73:8, 83:14, 92:6, 92:15</p> <p>Two [2] - 42:14, 47:19</p> <p>type [7] - 7:22, 26:22, 31:14, 73:1, 83:23, 84:2, 84:3</p> <p>typewriting [1] - 95:14</p> <p>Typewritten [1] - 35:19</p> <p>typing [1] - 11:25</p>	<p>85:15, 86:11, 87:6, 87:22, 88:25, 90:1, 90:17, 91:9, 91:15, 93:4, 93:7</p> <p>upcoming [1] - 11:5</p> <p>ups [1] - 89:14</p>	<p>WEST [1] - 1:18</p> <p>West [1] - 2:9</p> <p>whatsoever [1] - 15:12</p> <p>whereas [1] - 64:7</p> <p>whereof [1] - 95:20</p> <p>whole [4] - 9:7, 34:10, 63:5, 81:14</p> <p>William [13] - 23:17, 24:8, 25:10, 26:25, 27:23, 55:5, 57:12, 57:15, 58:12, 58:15, 67:14, 72:21, 79:23</p> <p>Williamsport [1] - 2:9</p> <p>WILLIAMSPORT [1] - 1:19</p> <p>wiped [1] - 41:10</p> <p>wish [1] - 33:12</p> <p>witness [2] - 4:9, 95:10</p> <p>WITNESS [11] - 14:2, 14:7, 14:14, 29:16, 38:19, 69:9, 69:12, 70:22, 74:25, 93:24, 94:1</p> <p>witnesses [1] - 84:15</p> <p>wonder [1] - 92:8</p> <p>word [1] - 8:14</p> <p>works [4] - 18:4, 18:12, 18:13, 26:2</p> <p>worry [1] - 86:25</p> <p>write [1] - 88:25</p> <p>write-up [1] - 88:25</p> <p>writing [1] - 50:5</p> <p>written [9] - 11:22, 55:12, 55:15, 57:16, 57:21, 58:1, 58:13, 59:5, 59:10</p> <p>wrote [2] - 38:13, 50:1</p>
	<p>U</p>		
	<p>U-Haul [6] - 3:14, 41:15, 41:16, 41:18, 42:1, 42:14</p> <p>Undated [2] - 3:10, 35:19</p> <p>under [3] - 57:22, 59:1, 95:14</p> <p>understood [2] - 22:11, 52:10</p> <p>unintelligible [3] - 52:24, 52:25, 90:13</p> <p>UNITED [1] - 1:1</p> <p>unless [2] - 14:4, 14:10</p> <p>unpaid [1] - 13:12</p> <p>up [38] - 10:12, 11:3, 12:2, 16:12, 20:14, 23:4, 27:15, 30:3, 30:15, 48:9, 48:11, 49:23, 53:1, 53:5, 53:10, 53:13, 53:15, 55:16, 68:10, 68:12, 70:25, 72:6, 78:25, 79:9, 79:20, 79:25, 81:4,</p>	<p>V</p>	
		<p>vacation [1] - 81:24</p> <p>vary [1] - 8:3</p> <p>Vehicle [3] - 3:13, 39:16, 40:6</p> <p>vehicle [3] - 39:11, 39:12, 43:19</p> <p>verbal [4] - 4:22, 10:5, 10:6, 11:17</p> <p>verbally [5] - 11:19, 12:20, 50:9, 51:2, 82:6</p> <p>verify [1] - 29:23</p> <p>versus [1] - 34:8</p> <p>VIA [1] - 2:3</p> <p>via [3] - 4:23, 18:2, 18:3</p> <p>video [1] - 91:17</p> <p>violation [3] - 14:1, 14:20, 15:18</p> <p>voicemail [1] - 91:22</p> <p>VS [1] - 1:8</p>	
		<p>W</p>	
		<p>W-2s [1] - 78:5</p> <p>wage [3] - 74:15, 75:6, 75:21</p> <p>wages [6] - 29:22, 65:13, 66:14, 73:2, 77:25, 83:25</p> <p>wait [4] - 37:14, 46:8, 88:22, 92:11</p> <p>waived [1] - 4:6</p> <p>wants [1] - 63:3</p> <p>Warning [5] - 3:9, 29:6, 30:23, 83:6, 83:10</p> <p>watched [1] - 59:23</p> <p>watching [4] - 60:3, 61:12, 61:22, 62:9</p> <p>ways [1] - 80:1</p> <p>week [18] - 6:19, 7:3, 7:8, 7:9, 7:12, 7:20, 8:12, 11:4, 11:10, 63:9, 64:25, 74:6, 74:8, 80:3, 80:5, 80:9, 88:3, 88:13</p> <p>weekend [4] - 9:8, 10:10, 19:5, 72:19</p> <p>weekends [6] - 9:6, 11:13, 12:17, 19:11, 72:2, 72:5</p> <p>weekly [2] - 6:12, 6:13</p> <p>weeks [2] - 55:23, 90:24</p> <p>weigh [1] - 69:14</p> <p>weight [2] - 62:2, 62:6</p> <p>Welcome [1] - 47:14</p>	
			<p>Y</p>
			<p>yadda [2] - 56:13</p> <p>year [6] - 66:17, 80:11, 81:4, 81:7, 81:9, 81:25</p> <p>years [3] - 41:1, 78:11, 80:19</p> <p>yelled [1] - 86:6</p> <p>yourself [5] - 63:3, 72:2, 77:2, 77:16, 83:4</p>
			<p>Z</p>
			<p>zero [2] - 59:21, 65:13</p> <p>Zoom [7] - 4:23, 8:25, 52:24, 52:25, 53:13, 90:12, 91:7</p> <p>ZOOM [2] - 1:12, 2:3</p>